

EXHIBIT 5

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)

----- :
COLUMBIA GAS TRANSMISSION, LLC, :
d/b/a COLUMBIA PIPELINE GROUP :
Plaintiff, :
vs. : Case No.
JANET MALIN HAAS, et ux., : 8:17-cv-01147-TDC
Defendants. :

----- :

DEPOSITION OF MELVIN HAAS

DATE: WEDNESDAY, SEPTEMBER 13, 2017
TIME: 11:25 A.M.
LOCATION: TENENBAUM & SAAS P.C.
4504 Walsh Street, Suite 200
Chevy Chase, Maryland 20815
REPORTED BY: SUZANNE MARIE ALONA ENDERSON
Reporter, Notary

VERITEXT LEGAL SOLUTIONS
MID-ATLANTIC REGION
1250 Eye Street NW - Suite 350
Washington, D.C. 20005

<p style="text-align: right;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1</p> <p>2</p> <p>3 On behalf of the Plaintiff:</p> <p>4 MICHAEL DINGMAN, ESQUIRE</p> <p>5 Reed Smith LLP</p> <p>6 7900 Tysons One Place</p> <p>7 Suite 500</p> <p>8 McLean, Virginia 22102</p> <p>9 (703) 641-22102</p> <p>10</p> <p>11 On behalf of the Defendants:</p> <p>12 BRADSHAW ROST, ESQUIRE</p> <p>13 Tenenbaum & Saas P.C.</p> <p>14 4504 Walsh Street</p> <p>15 Suite 200</p> <p>16 Chevy Chase, Maryland 20815</p> <p>17 (301) 961-5300</p> <p>18</p> <p>19</p> <p>20 ALSO PRESENT:</p> <p>21 JANET HAAS</p>	<p style="text-align: right;">Page 4</p> <p style="text-align: center;">P R O C E E D I N G S</p> <p>1</p> <p>2 WHEREUPON,</p> <p>3 MELVIN HAAS</p> <p>4 called as a witness, and having been first duly</p> <p>5 sworn, was examined and testified as follows:</p> <p>6 EXAMINATION BY COUNSEL FOR THE PLAINTIFF</p> <p>7 BY MR. DINGMAN:</p> <p>8 Q Please state your name, sir.</p> <p>9 A Melvin Leroy Haas.</p> <p>10 Q What is your current address, Mr. Haas?</p> <p>11 A 421 Brighton Knolls Drive, Brinklow,</p> <p>12 Maryland, 20862. The same as my wife.</p> <p>13 Q Okay. I introduced myself during your</p> <p>14 wife's deposition.</p> <p>15 A Correct.</p> <p>16 Q You understand that I represent Columbia</p> <p>17 Gas in this case. Have you been deposed before?</p> <p>18 A Yes.</p> <p>19 Q On how many occasions?</p> <p>20 A Maybe five.</p> <p>21 Q Okay. When was the most recent?</p>
<p style="text-align: right;">Page 3</p> <p style="text-align: center;">C O N T E N T S</p> <p>1</p> <p>2 EXAMINATION BY: PAGE</p> <p>3 Counsel for Plaintiff 4</p> <p>4</p> <p>5</p> <p>6 EXHIBITS DESCRIPTION PAGE</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 (* No exhibits marked.)</p> <p>20</p> <p>21</p>	<p style="text-align: right;">Page 5</p> <p>1 A Probably about 12 years ago.</p> <p>2 Q Okay. Well, while you have some</p> <p>3 experience with depositions and you heard me give</p> <p>4 some instructions to your wife, let me just go</p> <p>5 over again sort of the ground rules of the</p> <p>6 deposition.</p> <p>7 I'll be asking you questions about this</p> <p>8 case. And, again, if the question doesn't make</p> <p>9 sense to you or you simply do not understand it,</p> <p>10 let me know, and I'll rephrase it. Otherwise I'll</p> <p>11 assume that you understood the question.</p> <p>12 And, of course, you have to give verbal</p> <p>13 responses. No "uh-huhs" or head nods. Everything</p> <p>14 needs to get recorded correctly.</p> <p>15 And if you need to take a break, just let</p> <p>16 me know and we can do that.</p> <p>17 A Okay.</p> <p>18 Q Other than this case, have you been a</p> <p>19 party to any other lawsuits?</p> <p>20 A Yes.</p> <p>21 Q How many?</p>

<p style="text-align: right;">Page 6</p> <p>1 A The years fly by. I'm guessing</p> <p>2 approximately four others.</p> <p>3 Q When was the most recent of those cases?</p> <p>4 A That would have been approximately 12</p> <p>5 years ago. I wish I had looked that up. I should</p> <p>6 have anticipated that.</p> <p>7 Q That's okay. What was -- were you the</p> <p>8 plaintiff or the defendant in that case?</p> <p>9 A Defendant. In each case of those</p> <p>10 lawsuits I was the defendant.</p> <p>11 Q Just so we're clear, were you</p> <p>12 individually a defendant, or was it an entity that</p> <p>13 you had an ownership interest in?</p> <p>14 A An entity I had an ownership interest in.</p> <p>15 Q Okay. What's the name of that entity?</p> <p>16 A It was Aqualine Associates.</p> <p>17 Q Aqualine?</p> <p>18 A Aqualine Associates.</p> <p>19 Q What was your connection or ownership</p> <p>20 interest in the Aqualine?</p> <p>21 A I was the sole owner of Sand Glass, Inc.,</p>	<p style="text-align: right;">Page 8</p> <p>1 Q What was the business of that entity?</p> <p>2 A Nursing home.</p> <p>3 Q In these four prior lawsuits did any of</p> <p>4 the issues in those lawsuits involve real property</p> <p>5 or real estate?</p> <p>6 A Yes. Always.</p> <p>7 Q Well, let's start with the most recent</p> <p>8 one. What was that issue in that case?</p> <p>9 A I'll try to summarize it as simply as</p> <p>10 possible. Our tenant was making an attempt to</p> <p>11 take over the bed rights of our nursing home. And</p> <p>12 we found out as we got into it that the Genesis</p> <p>13 Corporation was behind it. And ultimately they</p> <p>14 wanted to destroy the facility, basically, and rob</p> <p>15 us of our bed rights so that they could fill their</p> <p>16 370-bed facility just down the road. We</p> <p>17 ultimately exposed that which was problematic for</p> <p>18 them.</p> <p>19 Q This was the Aqualine case?</p> <p>20 A Yes.</p> <p>21 Q Turning now to the lawsuits involving C&L</p>
<p style="text-align: right;">Page 7</p> <p>1 what was the corporate general partner.</p> <p>2 Q What kind of work was Aqualine involved</p> <p>3 in?</p> <p>4 A A nursing home.</p> <p>5 Q How about Sand Glass?</p> <p>6 A They were the owners of that building.</p> <p>7 Q So the same? A nursing home?</p> <p>8 A Yes.</p> <p>9 Q So all of these prior lawsuits that you</p> <p>10 mentioned, the four others, involved that entity?</p> <p>11 A No.</p> <p>12 Q Okay. So we have Aqualine. That was the</p> <p>13 most recent one?</p> <p>14 A Yes.</p> <p>15 Q And that was approximately 12 years ago?</p> <p>16 A I'm guessing. It could have been 11. It</p> <p>17 could have been 14.</p> <p>18 Q How about the other cases?</p> <p>19 A Involved C&L Limited Partnership of which</p> <p>20 I'm the general partner. My wife is a limited</p> <p>21 partner.</p>	<p style="text-align: right;">Page 9</p> <p>1 Limited Partner, did any of those involve any real</p> <p>2 estate or real property issues?</p> <p>3 A Yes. The tenant -- it was a nursing home</p> <p>4 I had formally run, and that's where my wife had</p> <p>5 been nursing director for some time. The</p> <p>6 tenant -- and that's the one, I think, is two or</p> <p>7 three cases. Interestingly, it was kind of like</p> <p>8 Columbia.</p> <p>9 Some time after the leases were executed</p> <p>10 they didn't like what was in it. So he was coming</p> <p>11 back to court to try to rewrite and insert stuff</p> <p>12 that didn't exist in there. And he didn't learn</p> <p>13 the first time. He lost. Each time he lost</p> <p>14 because it was dishonest.</p> <p>15 Q What were the leasing issues in those</p> <p>16 cases?</p> <p>17 A Regarding the expansion of the facility</p> <p>18 and the terms of that. That's it, in essence.</p> <p>19 Q Who was the other party in those cases?</p> <p>20 A Ronald G. Carsell.</p> <p>21 Q What was the time frame during which</p>

<p style="text-align: right;">Page 10</p> <p>1 those cases were pending?</p> <p>2 A I knew you would ask that.</p> <p>3 Q The best estimate that you can give is</p> <p>4 fine.</p> <p>5 A I sold the facility about -- what was it?</p> <p>6 THE WITNESS: Seven years ago now, Janet?</p> <p>7 Off the record.</p> <p>8 (Discussion off the record from 11:31 to</p> <p>9 11:32 a.m.)</p> <p>10 THE WITNESS: What was your question</p> <p>11 again? I'm sorry.</p> <p>12 BY MR. DINGMAN:</p> <p>13 Q My question is, what was the time frame</p> <p>14 during which these lawsuits involving C&L Limited</p> <p>15 Partnership were pending?</p> <p>16 A It would have been some time prior to</p> <p>17 seven years ago. What would that make it? 2003,</p> <p>18 2004. I don't know. I would not want to be held</p> <p>19 responsible for any answer I would give nailing</p> <p>20 down that time. That was years ago.</p> <p>21 Q Where were those -- were those cases all</p>	<p style="text-align: right;">Page 12</p> <p>1 A I was taking -- I started out taking some</p> <p>2 sciences. Found out that I wasn't real interested</p> <p>3 in that. That's when I switched to business.</p> <p>4 Q How about with Benjamin Franklin? Any</p> <p>5 degrees from that institution?</p> <p>6 A No because during that time I had a job</p> <p>7 offer to become administrator at the Althea</p> <p>8 Woodland which later on we would purchase and own.</p> <p>9 Q That's a good segue into -- I was going</p> <p>10 to ask you about your --</p> <p>11 A I grew up very, very poor --</p> <p>12 Q -- work experience.</p> <p>13 A -- in Pennsylvania on a tiny farm. Some</p> <p>14 interesting twists and turns took place that led</p> <p>15 me to where I got eventually.</p> <p>16 Q Starting with when you finished up at</p> <p>17 Benjamin Franklin, can you describe your work</p> <p>18 history coming forward?</p> <p>19 A Yes. I was involved at the Althea</p> <p>20 Woodland and ran that facility for some time.</p> <p>21 Then I leased it, I think, in '76 or '77. And</p>
<p style="text-align: right;">Page 11</p> <p>1 filed in the same court?</p> <p>2 A It seems one was in Baltimore Federal</p> <p>3 Court, and I think two were here in Montgomery</p> <p>4 County, I think.</p> <p>5 Q Can you describe for me, Mr. Haas, your</p> <p>6 educational background?</p> <p>7 A Yes. I went to our church -- or Seventh</p> <p>8 Day Adventist Church School through eighth grade</p> <p>9 and then went one year to public school in</p> <p>10 Danville, Pennsylvania, and then the next three</p> <p>11 years were at Blue Mountain Academy where my wife</p> <p>12 and I both attended in Hamburg, Pennsylvania.</p> <p>13 Then I went to Columbia Union College.</p> <p>14 Spent about three years or so there and then went</p> <p>15 down for about a year and a half to Benjamin</p> <p>16 Franklin University which at the time was a school</p> <p>17 of accounting in D.C.</p> <p>18 Q Did you obtain any degree from Columbia</p> <p>19 Union?</p> <p>20 A No. I was just shy of my degree there.</p> <p>21 Q What was your course of study there?</p>	<p style="text-align: right;">Page 13</p> <p>1 then sold real estate for a while.</p> <p>2 Q Did you have a real estate agent's</p> <p>3 license --</p> <p>4 A Yes.</p> <p>5 Q -- in Maryland?</p> <p>6 A Yes. With Shannon & Luchs at the time</p> <p>7 which I think is history now.</p> <p>8 Q How long were you a real estate agent?</p> <p>9 A It was primarily part time, and I'm</p> <p>10 guessing over a period of three or four years at</p> <p>11 that time.</p> <p>12 MR. ROST: I know it's natural to try to</p> <p>13 look to your wife for an answer. But if you --</p> <p>14 THE WITNESS: To see if she can --</p> <p>15 MR. ROST: -- don't recall, just say you</p> <p>16 don't recall.</p> <p>17 THE WITNESS: Okay. It was three or four</p> <p>18 years, maybe.</p> <p>19 BY MR. DINGMAN:</p> <p>20 Q During what time frame?</p> <p>21 A '78 onward.</p>

<p style="text-align: right;">Page 14</p> <p>1 Q What type of real estate were you 2 involved in as an agent? 3 A Residential and some quasi-commercial. 4 Sold a nursing home in Hillandale and some 5 farmland out -- for development out in Beltsville, 6 that type of thing. 7 Q Okay. So you -- 8 A And residential houses. 9 Q Okay. So you mentioned to me Althea and 10 working as a real estate agent. What time frame 11 does that bring us up to? 12 A About the '80s. Then I was involved in 13 the overseeing of the nursing homes and the 14 properties that we had leased. 15 Q This was through the C&L Limited 16 Partnership? 17 A And Aqualine Associates. 18 Q What was your role in that business? 19 A In which one? 20 Q The C&O? 21 A In C&L?</p>	<p style="text-align: right;">Page 16</p> <p>1 complaint in this case that was previously marked 2 as Exhibit 13. We have already established the 3 authenticity of the exhibits attached there. So I 4 won't go back over those. But I do want to go 5 back and ask about the purchase of your home which 6 was in approximately March of 1975? 7 A Correct. 8 Q And the home was bought from the builder? 9 A Correct. 10 Q Did you have any involvement in the 11 construction of the home? 12 A No. In fact, it had been sitting there, 13 as I understand, for a year -- up to a year and a 14 half prior to our purchase. At that time it was 15 considered way out. 16 Q So the home had been completed for 17 approximately a year when you bought it? 18 A Yes. 19 Q At the time that you purchased the 20 home -- you can take a look at Exhibit 2 to the 21 complaint if that assists you -- were you aware</p>
<p style="text-align: right;">Page 15</p> <p>1 Q C&L. I'm sorry. 2 A I was the general partner. 3 Q What was your role, if there was one, in 4 managing or overseeing the nursing home? 5 A I was the president of Sand Glass, Inc., 6 the general partner, and a limited partner in 7 Aqualine Associates. 8 Q More generally, what was your day-to-day 9 function as the president or the limited partner? 10 A In just making sure that the rental 11 payments were collected. Making sure that any 12 issues that would arise were dealt with. 13 Q And at some point -- well, did there come 14 a time when you retired? 15 A Yes. That would probably be -- because 16 of the way my business was structured, my actual 17 retirement was probably around -- I'm 73 now. So 18 I was probably about 65, 66, and we began 19 divesting the properties. And we're totally out 20 now, thank God. 21 Q I would like you to take a look at the</p>	<p style="text-align: right;">Page 17</p> <p>1 that there was a gas transmission pipeline that 2 was running through the property? 3 A Yes. 4 Q Were there any markers or any indications 5 on your property identifying the location of the 6 pipeline? 7 A No. 8 Q If you could take a look at what was 9 previously marked as Exhibit 14, it is a one-page 10 plat. 11 A Yes. I'm familiar with that. 12 Q Have you seen this before? 13 A Yes. 14 Q Did you have this plat at or around the 15 time you purchased the home in 1975? 16 A That's correct. 17 Q Is this what's sometimes referred to as a 18 house location survey? 19 A Yes. 20 Q So it is showing the location of the home 21 and other, for example, right-of-ways, correct?</p>

<p style="text-align: right;">Page 18</p> <p>1 A Yes.</p> <p>2 Q So looking at Exhibit 14, just from your</p> <p>3 own recollection, is the tree planted essentially</p> <p>4 in the middle of the right-of-way that's depicted</p> <p>5 on this plat?</p> <p>6 A It's planted, essentially, two feet</p> <p>7 approximately off center.</p> <p>8 Q Okay. Have you measured that?</p> <p>9 A As best I could but it's a tree trunk.</p> <p>10 Q Well, let me back up. So how did you</p> <p>11 measure that -- the distance --</p> <p>12 A With my tape.</p> <p>13 Q -- from the pipeline?</p> <p>14 A With my tape.</p> <p>15 Q Okay. So let me ask you this then: How</p> <p>16 far is the tree from the corner of the house?</p> <p>17 A I believe that's about 23 feet, something</p> <p>18 like that.</p> <p>19 Q That's something you have measured</p> <p>20 yourself?</p> <p>21 A Yes. That's approximate, but depending</p>	<p style="text-align: right;">Page 20</p> <p>1 you saw this document?</p> <p>2 A At settlement.</p> <p>3 Q At settlement when you bought the house?</p> <p>4 A That's correct.</p> <p>5 Q So you've had a copy of this document for</p> <p>6 the last 42 years?</p> <p>7 A Yes.</p> <p>8 Q I'm just asking your understanding as the</p> <p>9 property owner. What is your understanding of</p> <p>10 Columbia's rights under this document?</p> <p>11 A Well, it's very simply and clearly stated</p> <p>12 in this right-of-way agreement that they have the</p> <p>13 right to have access during the period that they</p> <p>14 install it and to have access over the property as</p> <p>15 they travel to and come with their pipes and</p> <p>16 equipment and that they would lay it and maintain</p> <p>17 it, be low cultivation so that we would have the</p> <p>18 right to enjoy the property, or the Eshlemans in</p> <p>19 the case of the original grantor.</p> <p>20 Q And you agree that the rights to enjoy</p> <p>21 the premises are subject to the right to maintain</p>
<p style="text-align: right;">Page 19</p> <p>1 on where you hit the trunk. If you hit it at the</p> <p>2 furthest, it's -- you know, it's not perfectly</p> <p>3 round. Depending on where you hit the trunk.</p> <p>4 Q So when you say the tree is two feet off</p> <p>5 centerline --</p> <p>6 A Towards the house.</p> <p>7 Q Towards the house?</p> <p>8 A Yes.</p> <p>9 Q Okay. So approximately 25 feet would be</p> <p>10 the pipeline and the tree is at 23 feet?</p> <p>11 A That's approximately correct because I</p> <p>12 saw the yellow flags they had there too that they</p> <p>13 marked.</p> <p>14 Q So at some point Columbia came out and</p> <p>15 marked the pipeline?</p> <p>16 A When they were coming through with</p> <p>17 SavATree.</p> <p>18 Q Okay. If you could take a look at</p> <p>19 Exhibit 3 to the complaint which, again, is the</p> <p>20 right-of-way agreement at issue in this case. My</p> <p>21 first question for you is, when is the first time</p>	<p style="text-align: right;">Page 21</p> <p>1 and operate the pipeline, correct?</p> <p>2 A Absolutely. No question.</p> <p>3 Q Why do you contend that planting the tree</p> <p>4 within two feet of the pipeline does not interfere</p> <p>5 with Columbia's right to maintain and operate the</p> <p>6 pipeline?</p> <p>7 A You know, Mr. Dingman, ever since you and</p> <p>8 Columbia filed this case, it has centered</p> <p>9 around -- and Antonio Redd pointed this out on his</p> <p>10 visit to the house. They're hanging their hat on</p> <p>11 that comma, "subject to the rights of the grantee</p> <p>12 to maintain and operate said lines."</p> <p>13 But the definition for that last little</p> <p>14 piece -- and you're an attorney. So you even know</p> <p>15 this better than I do. If you go back to the</p> <p>16 middle of the sentence before the comma where they</p> <p>17 inserted the rights to fully use and enjoy the</p> <p>18 premises, maintain below cultivation, subject to</p> <p>19 the rights to the grantee to maintain and operate</p> <p>20 the lines below cultivation.</p> <p>21 I don't need my old English teacher to</p>

<p style="text-align: right;">Page 22</p> <p>1 tell me how to read a sentence. There is nothing 2 in here that told us what to plant, who to call 3 before we plant, how high the plant should grow, 4 whether we should keep a ten-foot wide clear 5 section over the pipe and grass or ivy or pansies. 6 In fact, Antonio Redd, on one of his 7 visits to the house, made a very clear point. He 8 said, Mr. Haas, you don't understand. We're 9 trying to be good neighbors. And I heard that 10 until it nauseated me. 11 Karen Stevenson said it on the visit to 12 the house when she came out. And she came out 13 only under heavy duress, because I said, If you're 14 going to cut my tree down and destroy my property 15 where my wife and I have lived for 42 years, you 16 owe me the visit to my home to see what you're 17 going to destroy. And eventually she capitulated 18 and she agreed to come. I think she said she had 19 a trip to Texas and would swing by there on the 20 24th when they came out. 21 But we have the right to live there and</p>	<p style="text-align: right;">Page 24</p> <p>1 Q -- let me ask the questions. Okay? What 2 then is the restriction you agree with respect to 3 planting on top of the pipeline? 4 A Whatever is reasonable. Mr. Redd -- 5 Q What do you think is reasonable? 6 A -- thought -- Mr. Redd -- 7 Q What do you think -- 8 A I'm going -- 9 Q -- Mr. Haas -- 10 A -- to tell you. 11 Q -- I'm not here -- 12 MR. ROST: All right. 13 THE WITNESS: If you let me -- 14 BY MR. DINGMAN: 15 Q -- to argue with you. I'm here to ask 16 questions -- 17 A If you ask a question, I have a right to 18 answer. 19 Q I asked you a question -- 20 MR. ROST: Hold on a second. Calm down 21 here. Let's just get the questions asked and</p>
<p style="text-align: right;">Page 23</p> <p>1 enjoy our property. And there's nothing here -- 2 we have abided by every paragraph, sentence and 3 period of our right-of-way agreement. We have not 4 breached one part of it. And yet we're being 5 sued. We're pulling money from our home equity 6 line to fund this blasted case that you and 7 Columbia with billions and billions and billions 8 and billions of dollars have to smash us like a 9 bug. 10 This isn't your house. You don't know 11 what this is like. So there's nothing in here 12 that dictates that they have a right to cut my 13 grass, let alone chop down my maple tree. 14 Q So then you believe you can plant 15 whatever you want right on top of this pipeline. 16 Is that your position? 17 A Absolutely not. The judge in a -- 18 Q Okay. Let me -- 19 A -- previous case -- 20 Q Hold on, Mr. Haas. Mr. Haas -- 21 A Wait. Mr. Redd --</p>	<p style="text-align: right;">Page 25</p> <p>1 answered. Let's not -- 2 THE WITNESS: I'm trying to answer his 3 question, and he keeps interrupting. 4 BY MR. DINGMAN: 5 Q You're not answering the question. 6 You're arguing with me. I'm not here -- I 7 understand your position and your passion for the 8 case. I'm here to find the facts. Okay? So when 9 you tell me that you agree that there is a 10 reasonable restriction to what can be planted on 11 the pipeline, my next question is -- 12 A Absolutely. 13 Q -- what do you consider to be a 14 reasonable restriction? 15 A And I'm going to answer your question if 16 you allow me to without interruption. 17 Q Please proceed. 18 A Mr. Redd brought a case out to me to show 19 that they never lose -- 20 Q That's not an answer to my question. 21 A -- a case. It is. This is very</p>

<p style="text-align: right;">Page 26</p> <p>1 pertinent to --</p> <p>2 Q I'm asking -- we'll get to Mr. Redd. I'm</p> <p>3 asking you -- you testified just one minute ago</p> <p>4 that you agree that there's reasonable</p> <p>5 restrictions to what you can plant on the</p> <p>6 pipeline.</p> <p>7 A That's correct.</p> <p>8 Q I'm asking you what those restrictions</p> <p>9 are. We'll get to what Mr. Redd told you, but I'm</p> <p>10 asking you to tell me what you believe those</p> <p>11 restrictions are.</p> <p>12 MR. ROST: Counsel, you need to let him</p> <p>13 answer the question.</p> <p>14 MR. DINGMAN: He's not answering the</p> <p>15 question.</p> <p>16 MR. ROST: Well, you won't even let him</p> <p>17 begin the answer. He'll get to your answer --</p> <p>18 MR. DINGMAN: No. I'm not entitled -- I</p> <p>19 don't have to sit here and listen to argument.</p> <p>20 BY MR. DINGMAN:</p> <p>21 Q I understand respectfully, Mr. Haas, your</p>	<p style="text-align: right;">Page 28</p> <p>1 you get to ask the questions. This is rhetorical.</p> <p>2 Do you know how far the roots go out from</p> <p>3 those sycamore trees and the three foot in</p> <p>4 diameter American Elm just off of that</p> <p>5 right-of-way? They go out 160 to 420 feet from</p> <p>6 those trees. There is a web and a morass of roots</p> <p>7 going down that pipeline that pales by comparison</p> <p>8 with this little tiny red maple with 24-inch</p> <p>9 roots.</p> <p>10 And you're dragging my wife and I in</p> <p>11 court and raising hell and high water for that</p> <p>12 little tree, and those sycamores and American elms</p> <p>13 and oaks are crisscrossing your pipeline, making</p> <p>14 ten times the problem that that maple tree is. So</p> <p>15 there's your answer. You can't do stupid stuff.</p> <p>16 Q Okay. Well, you can't plant a redwood.</p> <p>17 Why not?</p> <p>18 A Because I think those roots probably</p> <p>19 would go way deeper than my red maple. I haven't</p> <p>20 researched that one, but I would surmise that that</p> <p>21 would be the case.</p>
<p style="text-align: right;">Page 27</p> <p>1 position. What I'm trying to --</p> <p>2 A No. You really don't. You haven't --</p> <p>3 Q -- what I'm trying to --</p> <p>4 A -- let me express my position.</p> <p>5 Q -- find out are the facts behind it.</p> <p>6 When you say there's a reasonable restriction,</p> <p>7 there's a simple answer. What is the reasonable</p> <p>8 restriction you agree applies?</p> <p>9 A Any right-of-way, according to the judges</p> <p>10 that we have looked at in the cases we have found,</p> <p>11 state that unless the wording in the document --</p> <p>12 the original land rights document borders the</p> <p>13 absurd, the very words and letters of that</p> <p>14 document prevail. And so unless it's absurd, I</p> <p>15 can't plant my giant California redwood there.</p> <p>16 Mr. Dingman, all the way along that</p> <p>17 pipeline -- a fifth grader could have found this</p> <p>18 out. And I know that you and Columbia have had to</p> <p>19 have known this knowledge. There are sycamore</p> <p>20 trees right across the fence in my neighbor's</p> <p>21 property. Do you know how far the roots -- I know</p>	<p style="text-align: right;">Page 29</p> <p>1 Q So is it your position that the</p> <p>2 reasonable limitation on planting on top of the</p> <p>3 pipeline is tied to how deep the root system is at</p> <p>4 the particular tree?</p> <p>5 A It would have to do not only with that,</p> <p>6 but removing a 220-foot redwood would take a bit</p> <p>7 longer, I think, than my red maple tree. That</p> <p>8 would be the absurd.</p> <p>9 Q So is -- and tell me if I'm wrong in</p> <p>10 understanding your position as to what the</p> <p>11 reasonable restriction would be. It's based on,</p> <p>12 in your view, the depth of the root for the</p> <p>13 particular tree and what would be involved in</p> <p>14 removing it?</p> <p>15 A Yes. That would be correct. In fact,</p> <p>16 what I wanted to mention is that Mr. Redd came</p> <p>17 out, and on one of his visits he explained to me</p> <p>18 that they want to be good neighbors. And right</p> <p>19 over here, he said, in Howard County just across</p> <p>20 the dam here, he said, We have farmers. And we</p> <p>21 allow them to plow their field. They plant their</p>

<p style="text-align: right;">Page 30</p> <p>1 corn.</p> <p>2 I said, Whoa, whoa, whoa. Back up a</p> <p>3 minute. You were just at the kitchen table not</p> <p>4 long ago telling us that we had to plant pansies</p> <p>5 and ivy where my tree is now planted. And now</p> <p>6 you're telling me that Howard County has a field</p> <p>7 of corn running across your pipeline where they</p> <p>8 plow and do deep root aeration.</p> <p>9 He said, But the corn roots are shallow.</p> <p>10 So did I take Antonio Redd's word for that?</p> <p>11 Absolutely not. I went on the Internet. And it</p> <p>12 didn't take me but five minutes to find out that</p> <p>13 the corn roots grow three, four and up to six feet</p> <p>14 deep which is a heck of a lot deeper than my red</p> <p>15 maple roots, but they have a field full of them</p> <p>16 running across their cornfield with corn that's</p> <p>17 six to eight feet tall.</p> <p>18 So I'm telling you that this lawsuit is</p> <p>19 not about my maple tree. It's about setting a</p> <p>20 precedent like the Bowers case in Texas where the</p> <p>21 judge said the lower court -- you stated in the</p>	<p style="text-align: right;">Page 32</p> <p>1 within the next hour or so have that thing dug up</p> <p>2 and pulled to the side because remember, we've not</p> <p>3 saving it for any transplanting.</p> <p>4 Oh, and referencing the transplanting of</p> <p>5 the tree, there's no way we would be allowed to do</p> <p>6 that because they have a spade -- you would have</p> <p>7 to have like an eight to ten-foot spade. You know</p> <p>8 what they are.</p> <p>9 Q Yes.</p> <p>10 A And in order to do that, they go down so</p> <p>11 deep when those knives go down. You couldn't risk</p> <p>12 that with the pipeline there. So the tree would</p> <p>13 be destroyed. And I have no other place to plant</p> <p>14 the tree even if I could move it.</p> <p>15 Q What company is Mr. Rewega with?</p> <p>16 A Terra Nova Landscaping.</p> <p>17 Q Where are they located?</p> <p>18 A Damascus, I think, but don't quote me on</p> <p>19 that.</p> <p>20 Q Do you know whether they have been</p> <p>21 involved in tree removal over a pipeline?</p>
<p style="text-align: right;">Page 31</p> <p>1 lower court to the pipeline company that you're --</p> <p>2 you don't want to set a precedent believing that</p> <p>3 this oak tree here or whatever -- but we reaffirm</p> <p>4 the lower court's ruling, the oak tree stays.</p> <p>5 And if you have a problem with your</p> <p>6 pipeline, you can cut it down. But we're not here</p> <p>7 to set a precedent. We're here to judge this case</p> <p>8 in front of us. But the oak tree stays.</p> <p>9 And my maple tree is not an oak tree.</p> <p>10 It's a little Burgundy Lace red maple. And I'll</p> <p>11 be darned if I couldn't cut it down in 30 minutes.</p> <p>12 Q Have you talked with any contractors</p> <p>13 regarding the removal of the three?</p> <p>14 A Yes, I have.</p> <p>15 Q Who have you spoken to?</p> <p>16 A I spoke with Grant Rewega who had done</p> <p>17 some work for us. I asked him to come out and</p> <p>18 take a look at the tree. And he stated that he</p> <p>19 would probably -- depending on the size of the</p> <p>20 crew, could probably remove the top part of that</p> <p>21 tree in 30 minutes, and with a front end digger</p>	<p style="text-align: right;">Page 33</p> <p>1 A Not to -- I have no knowledge of that. I</p> <p>2 would doubt it. Most people don't go looking for</p> <p>3 pipelines to cut trees over.</p> <p>4 Q Other than Mr. Rewega, have you talked to</p> <p>5 anybody else about the removal of the tree from</p> <p>6 the easement?</p> <p>7 A Yes. With Kelly Lewis of Ruppert.</p> <p>8 Q What did will Louis tell you?</p> <p>9 A He told -- when you have a tree company</p> <p>10 like that, they tend to be more conservative</p> <p>11 because they try to save the tree. And that's why</p> <p>12 I think the SavATree people said they hated to cut</p> <p>13 that because they're in the business of saving</p> <p>14 trees. But their contract is to cut down trees.</p> <p>15 He stated that probably with a crew --</p> <p>16 and he said that would depend on the size of the</p> <p>17 crew. He said in an emergency you would have more</p> <p>18 of a crew than less of a crew. You could do it</p> <p>19 with two people if you weren't in a hurry.</p> <p>20 But with three or four people I think he</p> <p>21 estimated 45 minutes to totally remove the tree to</p>

<p style="text-align: right;">Page 34</p> <p>1 make it like the rest of the right-of-way which is</p> <p>2 just cut down to the ground and probably another</p> <p>3 couple of hours to totally get the roots up, haul</p> <p>4 it away, et cetera.</p> <p>5 Q Did he tell you how they would go about</p> <p>6 removing the tree?</p> <p>7 A Chainsaws lopping off the front branches</p> <p>8 so you can access then with your skimmer because</p> <p>9 the roots are shallow. You can just back up and</p> <p>10 rip it out.</p> <p>11 Q When you say "skimmer," what are you</p> <p>12 referring to there?</p> <p>13 A Do you know what a front end loader is?</p> <p>14 Q Yes.</p> <p>15 A That type of a machine, or backhoes.</p> <p>16 They could use backhoes also.</p> <p>17 Q Do you know whether Mr. Lewis has any</p> <p>18 experience in removing trees from a natural gas</p> <p>19 pipeline easement?</p> <p>20 A I have no knowledge of that. I didn't</p> <p>21 ask that question.</p>	<p style="text-align: right;">Page 36</p> <p>1 SavATree say to you with respect to the red maple</p> <p>2 tree?</p> <p>3 A They didn't want to cut it, but they knew</p> <p>4 they had to. And they said, you know, if they</p> <p>5 tell us to do it, they follow the orders.</p> <p>6 Q Did they say anything else to you?</p> <p>7 A It was just always around the tree and my</p> <p>8 worrying about the tree, my hand wringing. We</p> <p>9 were stuck around there for several weeks. We</p> <p>10 would not leave the house.</p> <p>11 And you heard Mr. Redd's own testimony.</p> <p>12 Had no one been there or no one to stop him, he</p> <p>13 would have gone in and cut the tree. So we never</p> <p>14 left the house for that period of time until the</p> <p>15 agreement was struck that he would not cut the</p> <p>16 tree. We always had someone there. My wife,</p> <p>17 myself, or my son.</p> <p>18 Q Let's talk about Mr. Redd. You've</p> <p>19 already told me a couple of conversations you had</p> <p>20 with him. One about the farmers in Howard County.</p> <p>21 Any other statements that Mr. Redd made to you</p>
<p style="text-align: right;">Page 35</p> <p>1 Q Other than Mr. Lewis and Mr. Rewega, have</p> <p>2 you talked to anyone else about removal of the</p> <p>3 tree?</p> <p>4 A You mean like contracting to have it</p> <p>5 done? Get it out of there?</p> <p>6 Q Well, anybody in the --</p> <p>7 A In the business?</p> <p>8 Q Yes.</p> <p>9 A I don't believe I have. I can't recall</p> <p>10 anyone else.</p> <p>11 Q Now, you mentioned SavATree. Did you</p> <p>12 have discussions with them about the red maple</p> <p>13 tree?</p> <p>14 A Yes. Several occasions. Are you taking</p> <p>15 my tree today? And they would say yes or no.</p> <p>16 Q Do you recall the names of any persons</p> <p>17 from SavATree that you spoke to?</p> <p>18 A One guy's name was Vince. I think he</p> <p>19 might have been the supervisor or something. Very</p> <p>20 nice young man.</p> <p>21 Q What did Vince or anyone else from</p>	<p style="text-align: right;">Page 37</p> <p>1 regarding the reasons for the removal of the tree?</p> <p>2 A Yes. At first it started out very</p> <p>3 strongly that the root system of this tree could</p> <p>4 get down, interfere with the cathodic protection.</p> <p>5 Then it became stronger and stronger that we don't</p> <p>6 have quick access to the tree in the event of an</p> <p>7 emergency.</p> <p>8 To me, that was just a gross</p> <p>9 misrepresentation that has gone into the court as</p> <p>10 well as to us because, number one, he knew what</p> <p>11 the right-of-way said, and that he could get</p> <p>12 access to that pipeline.</p> <p>13 And he knew he could get there quicker</p> <p>14 than if he went down just across my fence to my</p> <p>15 neighbor's lot with all of these huge 160,</p> <p>16 420-foot roots crisscrossing each other all across</p> <p>17 that pipeline. So the problem just across my</p> <p>18 fence is going to be ten times worse than my tiny</p> <p>19 little maple tree there, but he never said that.</p> <p>20 And he had to know that. He's been in</p> <p>21 the business with Columbia what? 16 years or</p>

<p style="text-align: right;">Page 38</p> <p>1 something like that. And you're telling me -- and</p> <p>2 you're looking at me in the eye and telling me</p> <p>3 that you had no knowledge of those Lombardy maples</p> <p>4 and the sycamore trees and all these huge trees</p> <p>5 that have these roots that go on forever? And yet</p> <p>6 you're suing me over these tiny little roots? I</p> <p>7 don't understand that.</p> <p>8 Q Do you know what's required for Columbia</p> <p>9 to have quick access to the pipeline in the event</p> <p>10 of an emergency?</p> <p>11 A I have no idea.</p> <p>12 Q Well, then how do you know that the tree</p> <p>13 doesn't interfere with that access?</p> <p>14 A Because I know they're trying to make</p> <p>15 this that it's a worse situation than -- because</p> <p>16 once they cleared down the 50 foot through my</p> <p>17 neighbor's woods, they were happy. And those</p> <p>18 roots are 10 times worse than the roots of that</p> <p>19 maple tree.</p> <p>20 So that makes this totally a bogus claim</p> <p>21 that this tree is the big boogeyman in that</p>	<p style="text-align: right;">Page 40</p> <p>1 pickaxe and a shovel unless they --</p> <p>2 Q How do you know that?</p> <p>3 A Because I grew up on a farm. And you can</p> <p>4 have sparks fly from a pickaxe and a shovel.</p> <p>5 Trust me. Did you ever work on a farm? Did you</p> <p>6 ever dig lots of dirt? Do it at night. Practice</p> <p>7 tonight yourself.</p> <p>8 Q I'm asking the questions. We can talk</p> <p>9 afterwards about our farming experience.</p> <p>10 A Okay.</p> <p>11 Q So did you ever ask anyone whether in an</p> <p>12 emergency situation, say, when there's a gas leak</p> <p>13 whether you can use a front end loader to remove</p> <p>14 the tree?</p> <p>15 A No.</p> <p>16 Q Do you know whether there is restrictions</p> <p>17 on the ability of Columbia to use that kind of</p> <p>18 machinery if there's a leak?</p> <p>19 A No. They never told me there was a</p> <p>20 restriction. If you're moving that mass amount of</p> <p>21 dirt, I would dare venture that they take their</p>
<p style="text-align: right;">Page 39</p> <p>1 right-of-way. It's simple -- it's common sense.</p> <p>2 You have common sense. If you weren't working for</p> <p>3 them, you would be on my side because that maple</p> <p>4 tree isn't a fraction of the root systems of those</p> <p>5 huge trees that crisscross that pipeline all the</p> <p>6 way down through the woods.</p> <p>7 Q Have those trees been removed?</p> <p>8 A No. They're still standing there. And</p> <p>9 all those roots are crisscrossing that pipeline.</p> <p>10 They didn't do root pruning and dig up roots.</p> <p>11 Q So going back to my question. Other than</p> <p>12 you pointing to trees on other properties, why do</p> <p>13 you think that your tree doesn't impede quick</p> <p>14 access to the pipeline if there is an emergency?</p> <p>15 A Because it can be easily dug up with</p> <p>16 their front end digger and backed up and dropped</p> <p>17 over there.</p> <p>18 Q So if there is an emergency, you believe</p> <p>19 you can use a front end loader to dig up and</p> <p>20 around a natural gas pipeline?</p> <p>21 A It won't cause sparks any more than a</p>	<p style="text-align: right;">Page 41</p> <p>1 front end loader. They cut the line -- if there</p> <p>2 is a major leak, they cut the -- they turn off the</p> <p>3 line. They blow the gas. Let it dissipate and</p> <p>4 then they do their quick repair and then recharge</p> <p>5 their line.</p> <p>6 Q Do you know how many people get their</p> <p>7 natural gas from that pipeline?</p> <p>8 A I would imagine thousands and thousands.</p> <p>9 Q So you would suggest they cut off the</p> <p>10 natural gas to all of those people in order to do</p> <p>11 their repair?</p> <p>12 A By the same token you're suggesting to me</p> <p>13 that they dig around that thing with gas flying</p> <p>14 out of there? I don't -- that's hard to believe,</p> <p>15 but if they say they do, more power to them. I</p> <p>16 wouldn't go down there.</p> <p>17 Q Well, perhaps they don't use a front end</p> <p>18 loader.</p> <p>19 A What do you use?</p> <p>20 Q Well, that's my question to you. You're</p> <p>21 saying that the access -- you said it's a fraud on</p>

<p style="text-align: right;">Page 42</p> <p>1 the court. My question to you is, if there's a 2 gas leak, how is Columbia required to access that 3 pipeline? Do you know? 4 A They would access that pipeline, Mr. 5 Dingman, the identical way they would access it 6 just across my fence in my neighbor's 50-foot 7 right-of-way through the woods. 8 They would use whatever techniques they 9 use -- they're the professionals -- to go down 10 through that quagmire of roots crisscrossing each 11 other ten times worse than my red maple. 12 I contend it would take them longer to 13 get to the line across my fence than it would 14 where my red maple sits because the top part is a 15 piece of cake. And the rest of it is a 24-inch 16 root system that can be skimmed off of the top. 17 Q But we're talking about your tree. 18 A That's what I'm talking about. My tree. 19 But you're suing me based on the fact that if you 20 remove my tree, then everything is copacetic 21 through the pipeline here now because we're all</p>	<p style="text-align: right;">Page 44</p> <p>1 exactly how they do that. I would like to know -- 2 and, in fact, I'll try to do some research, I 3 assure you, on how they repair a gas pipeline -- a 4 high pressured gas line leaving -- with a leak and 5 leaving the gas pressure up. I would like to read 6 how they do that because that would be kind of 7 cool to know. 8 Q Well, my question to you is, if there is 9 a leak in this location 25 feet from your house, 10 you would want Columbia to be able to access that 11 pipeline -- 12 A As quickly as possible. 13 Q -- and fix the leak, right? 14 A As quickly as possible. Absolutely. 15 Q The tree would delay that access, 16 wouldn't it? 17 A No because it's not delaying it as much 18 as the one next door to me. 19 Q Well, let's not worry about the 20 neighbors. I'm talking about -- 21 A But that is pertinent --</p>
<p style="text-align: right;">Page 43</p> <p>1 clear. And the rest of the pipeline -- we have 2 easy access to the pipeline. But you don't. You 3 have all those roots from those huge trees over 4 there. 5 Q Mr. Haas, if there was a gas leak 25 feet 6 from your house, wouldn't you want Columbia to 7 access the pipeline and fix that leak as quickly 8 as possible? 9 A Absolutely. 10 Q So how much delay do you think would 11 incur as a result of your tree within two feet of 12 the pipeline? 13 A What do you mean how much delay? 14 Q How much of a delay -- how much gas would 15 continue to leak why they deal with your tree? 16 A It depends on how long they don't cut the 17 gas line. 18 Q So your suggestion is leave your tree and 19 cut off the gas to the thousands of people and 20 businesses who need it? Is that your position? 21 A Do you know what? I'm uneducated as to</p>	<p style="text-align: right;">Page 45</p> <p>1 Q -- your tree. 2 A -- but that is pertinent, Mr. Dingman, to 3 this tree. 4 Q If your tree -- 5 A You're trying to divorce that pipeline 6 all the way through the neighborhood from my one 7 tree location. The rest of my yard is all mowed 8 grass and a couple of little nandina that grow 9 like this like grass and then a couple of azaleas 10 that are like three feet tall and my lilac bush. 11 The rest is all -- I mow it for them. It's easy 12 access. 13 They use the same identical bulldoze, or 14 whatever equipment they use, to dig my grass as 15 they would my tree. The difference is lopping the 16 branches on the tree, scooping the tree, setting 17 it aside, and they're as they were anywhere in 18 that pipeline, only better off because I don't 19 have that all those woods trees crisscrossing. 20 Q What amount of delay would be acceptable 21 to you if there was a gas leak 25 feet from your</p>

<p style="text-align: right;">Page 46</p> <p>1 house for Columbia to get to the pipeline?</p> <p>2 A Three seconds.</p> <p>3 Q Removing that tree would delay access</p> <p>4 more than three seconds, wouldn't it?</p> <p>5 A It would delay it no more than the trees</p> <p>6 that line that pipeline that --</p> <p>7 Q We're not talking about those trees.</p> <p>8 We're talking --</p> <p>9 A We have to compare --</p> <p>10 Q -- about your tree.</p> <p>11 A -- we have to compare the level of access</p> <p>12 to the entire pipeline if you're going to focus on</p> <p>13 my tree. Is that not fair?</p> <p>14 Q We're focusing on your tree because</p> <p>15 that's what's at issue in this case.</p> <p>16 A But it has to be if you remove my tree,</p> <p>17 you can get to that pipeline faster than you could</p> <p>18 just across my fence. That's the focus of this</p> <p>19 lawsuit.</p> <p>20 Q Would you agree that if there is a leak</p> <p>21 at the pipeline where the tree is located, that</p>	<p style="text-align: right;">Page 48</p> <p>1 A Yes. A qualified yes.</p> <p>2 Q So if there is a leak at this location 25</p> <p>3 feet from your house, you would want Columbia to</p> <p>4 access that pipeline and fix the leak as soon as</p> <p>5 possible, right?</p> <p>6 A That's correct.</p> <p>7 Q And you agree that the tree being at the</p> <p>8 location it is within two feet of the pipeline</p> <p>9 would delay that access, correct?</p> <p>10 A No. I do not agree because they would</p> <p>11 have --</p> <p>12 Q How can you not agree with that?</p> <p>13 A Because it would be the same next door</p> <p>14 and up --</p> <p>15 Q Mr. Haas --</p> <p>16 A -- this way and that way.</p> <p>17 Q -- I'm asking about your tree.</p> <p>18 A I'm talking about my tree. No, it would</p> <p>19 not delay it any more than anyplace else on the</p> <p>20 pipeline.</p> <p>21 Q But it would delay it, correct? It would</p>
<p style="text-align: right;">Page 47</p> <p>1 Columbia could access it faster if the tree was</p> <p>2 not there?</p> <p>3 A No because they would have to dig through</p> <p>4 the same roots -- worst roots next door. And the</p> <p>5 20 minutes or --</p> <p>6 Q That's not an answer to my question. I'm</p> <p>7 asking you --</p> <p>8 A That is an answer to --</p> <p>9 Q -- about --</p> <p>10 A I just --</p> <p>11 Q Please.</p> <p>12 A Go ahead.</p> <p>13 Q I'm asking you about your tree, not your</p> <p>14 neighbor's tree. You agree that the tree delays</p> <p>15 access to the pipeline, right?</p> <p>16 A No more than my neighbor's where they</p> <p>17 cleared it.</p> <p>18 Q Can you answer the question. You agree</p> <p>19 that --</p> <p>20 A Yes.</p> <p>21 Q The answer is yes?</p>	<p style="text-align: right;">Page 49</p> <p>1 delay access --</p> <p>2 A Then dirt delays access, Mr. Dingman.</p> <p>3 Q Mr. Haas, it's a yes-or-no question.</p> <p>4 A No, it's not. It's a qualified question.</p> <p>5 It is, yes, it would delay it the same as all the</p> <p>6 other crisscrossed roots across the pipeline that</p> <p>7 exists up and down that neighborhood. In fact,</p> <p>8 they could get in there faster in my opinion.</p> <p>9 Q All right. Have you had discussions with</p> <p>10 anyone regarding the safety requirements working</p> <p>11 in and around an operating natural gas pipeline?</p> <p>12 A I'm sure they've been referenced by</p> <p>13 people -- you know, Antonio or Karen Stevenson,</p> <p>14 I'm sure they may have referenced some of that</p> <p>15 stuff. The other thing they kept telling us the</p> <p>16 minimum guidelines -- in fact, in his letter -- I</p> <p>17 have the letter right here.</p> <p>18 In 2010 he sent a letter out saying that</p> <p>19 they would be doing a close interval survey. And</p> <p>20 he also mentioned that they would be doing the</p> <p>21 removal of bushes, scrubs, vegetation that does</p>

<p style="text-align: right;">Page 50</p> <p>1 not conform to Columbia minimum guidelines for</p> <p>2 construction. Have you heard of the minimum</p> <p>3 guidelines?</p> <p>4 Q Yes.</p> <p>5 A Okay. And then he went on to talk about</p> <p>6 what they had to do. Couldn't be any taller than</p> <p>7 five feet tall, blah, blah, blah. I read those</p> <p>8 guidelines later on. That was in 2010. By the</p> <p>9 way, they did not cut my tree in 2010.</p> <p>10 As I recall, to the best of my</p> <p>11 recollection, when these men came through --</p> <p>12 because I had gotten this letter, I saw people --</p> <p>13 and that's when they did the interval survey when</p> <p>14 they ran the wire, et cetera, on the line.</p> <p>15 They were not going to -- he said,</p> <p>16 Mr. Haas, we're not touching your tree. We're not</p> <p>17 touching anything, because I was wringing hands,</p> <p>18 getting ready to fight and preserve my property.</p> <p>19 He said, We're not touching anything here.</p> <p>20 And they went on with their tests. And</p> <p>21 to my knowledge it was completed successfully</p>	<p style="text-align: right;">Page 52</p> <p>1 land rights document, my right-of-way, conflict</p> <p>2 with the requirements set forth herein, the land</p> <p>3 rights document shall supercede these</p> <p>4 requirements. Karen Stevenson sent it in the</p> <p>5 letter she sent me in April included in the fourth</p> <p>6 paragraph of her letter and the minimum guidelines</p> <p>7 that they're enforcing on us.</p> <p>8 It says, Columbia's minimum guidelines</p> <p>9 for activities or construction attached to this</p> <p>10 letter prohibits trees within any right-of-way or</p> <p>11 easement.</p> <p>12 They kept shoving this thing down my</p> <p>13 throat knowing full well -- and they filed this</p> <p>14 suit knowing full well that those minimum</p> <p>15 guidelines are superceded by our right-of-way</p> <p>16 agreement. And our --</p> <p>17 Q Let me ask you this question --</p> <p>18 A -- right-of-way -- wait a minute. I'm --</p> <p>19 Q Mr. Haas, I've let you talk for like five</p> <p>20 minutes. So let me ask a question. Why do you</p> <p>21 say the minimum guidelines conflict with the</p>
<p style="text-align: right;">Page 51</p> <p>1 because no one came knocking on my door or sent me</p> <p>2 a letter or had a phone call saying that you</p> <p>3 screwed up our close interval test. And so we</p> <p>4 can't do that.</p> <p>5 I've never had a call saying, The pig</p> <p>6 didn't go through because your tree was there. So</p> <p>7 I don't see any -- by the way, at the end of that</p> <p>8 letter he included a copy of the minimum</p> <p>9 guidelines. And lo and behold, when I checked</p> <p>10 back there after I read the current minimum</p> <p>11 guidelines dated July 2015, I referenced his</p> <p>12 minimum guidelines dated May 2010.</p> <p>13 And it states, These guidelines supercede</p> <p>14 any and all prior guidelines pertaining to</p> <p>15 activities and placements on or near gas</p> <p>16 transmission facilities owned by the NGTS Company.</p> <p>17 Existence of or the ramifications from the</p> <p>18 implementation -- I'm sorry. Maybe I'm not at the</p> <p>19 end of it.</p> <p>20 Oh, here it is. At the very end it says,</p> <p>21 In the event that the provisions of an applicable</p>	<p style="text-align: right;">Page 53</p> <p>1 right-of-way agreement?</p> <p>2 A Because they put stuff in there that's</p> <p>3 not in the right-of-way agreement. That's why the</p> <p>4 right -- that's why the guideline says the</p> <p>5 right-of-way agreements -- they knew there would</p> <p>6 be conflict with the guidelines or they wouldn't</p> <p>7 have put that my right-of-way superceded those</p> <p>8 guidelines.</p> <p>9 You're a lawyer. If something supercedes</p> <p>10 something else, then that something else is over</p> <p>11 here.</p> <p>12 Q Well, you agreed -- and you have</p> <p>13 testified to this already -- that your rights are</p> <p>14 subject to Columbia's right to maintain and</p> <p>15 operate the pipeline, correct?</p> <p>16 A Below cultivation as required by the</p> <p>17 right-of-way agreement.</p> <p>18 Q So what's your basis for saying that</p> <p>19 those minimum guidelines do not protect Columbia's</p> <p>20 right to maintain and operate its pipeline?</p> <p>21 A I never did.</p>

<p style="text-align: right;">Page 54</p> <p>1 Q Okay. Well, then --</p> <p>2 A You just said that. I didn't.</p> <p>3 Q Then how are the minimum guidelines</p> <p>4 inconsistent with the right-of-way agreement?</p> <p>5 A Because they required me to do things</p> <p>6 that aren't in the right-of-way agreement. And</p> <p>7 that's why --</p> <p>8 Q Let me --</p> <p>9 A -- why did they put --</p> <p>10 Q -- stop -- let me stop you --</p> <p>11 A -- why did they put --</p> <p>12 Q -- there, Mr. Haas.</p> <p>13 A -- why did they --</p> <p>14 Q Mr. Haas, please, I'm trying to get a</p> <p>15 clear answer from you. Why are the minimum</p> <p>16 guidelines in conflict with the right-of-way</p> <p>17 agreement when you've already testified that the</p> <p>18 right-of-way does limit what you can do in the</p> <p>19 easement? So please tell me precisely why the</p> <p>20 minimum guidelines are in conflict with the</p> <p>21 right-of-way agreement.</p>	<p style="text-align: right;">Page 56</p> <p>1 plant --</p> <p>2 Q So those parts of the minimum guidelines</p> <p>3 are not in conflict with the right-of-way</p> <p>4 agreement?</p> <p>5 A What part?</p> <p>6 Q That say you can't have a shed or a</p> <p>7 fence.</p> <p>8 A No. I never said that.</p> <p>9 Q Okay. So at least part of the minimum</p> <p>10 guidelines, you would agree, do not conflict with</p> <p>11 the --</p> <p>12 A But the --</p> <p>13 Q -- right-of-way agreement?</p> <p>14 A -- but the original right-of-way</p> <p>15 agreement --</p> <p>16 Q Mr. Haas, please, I need you to answer my</p> <p>17 question and not argue with me.</p> <p>18 A The guidelines do not in any way apply to</p> <p>19 my wife and myself in regards to our right-of-way</p> <p>20 agreement. If you could go back and rewrite --</p> <p>21 Q Please tell me --</p>
<p style="text-align: right;">Page 55</p> <p>1 A If you go back and check my statement, I</p> <p>2 said they -- you cannot do anything that is</p> <p>3 absurd, as the judge said, when interpreting the</p> <p>4 right-of-way agreement.</p> <p>5 He wouldn't reimburse the gentlemen for</p> <p>6 their fence, unless they had a broken fence or</p> <p>7 some other crop, he said, because it's not --</p> <p>8 everything else is not specified in the</p> <p>9 right-of-way agreement. So if it's not in the</p> <p>10 right-of-way agreement, you're not bound by it.</p> <p>11 Q So then you could do anything you wanted</p> <p>12 in that easement?</p> <p>13 A I already clarified that, Mr. Dingman. I</p> <p>14 told you --</p> <p>15 Q And that's my --</p> <p>16 A -- that if it's absurd --</p> <p>17 Q -- point, Mr. Haas.</p> <p>18 A -- if it's absurd. I can't build a shed.</p> <p>19 I can't build a pool.</p> <p>20 Q Right.</p> <p>21 A But I can plant peach trees. I can</p>	<p style="text-align: right;">Page 57</p> <p>1 A -- my contracts, I would --</p> <p>2 Q Let me ask you a question.</p> <p>3 A -- love to do that.</p> <p>4 Q Let me ask you -- this is what I'm trying</p> <p>5 to get you to focus on and stop arguing with me.</p> <p>6 You've already testified that there are reasonable</p> <p>7 limitations to what you can do in the easement,</p> <p>8 correct?</p> <p>9 A That's correct.</p> <p>10 Q Okay. Tell me what in the minimum</p> <p>11 guidelines are not reasonable restrictions on what</p> <p>12 you can do in the easement.</p> <p>13 A Telling me I have to plant ivy or pansies</p> <p>14 or nothing for a ten-foot strip through my</p> <p>15 landscaping that now exists, that is unreasonable.</p> <p>16 Q Why?</p> <p>17 A Because it's not allowed under my</p> <p>18 right-of-way agreement.</p> <p>19 Q But that's not the issue. You've</p> <p>20 already --</p> <p>21 A It is the issue. You just told me --</p>

<p style="text-align: right;">Page 58</p> <p>1 Q Mr. Haas, stop, please.</p> <p>2 A -- the guidelines apply. And I'm --</p> <p>3 Q You've --</p> <p>4 A -- telling you why they don't apply.</p> <p>5 Q You've testified repeatedly that even</p> <p>6 though there's not written restrictions in the</p> <p>7 right-of-way agreement, there are reasonable</p> <p>8 limitations on what you can do in the easement.</p> <p>9 A And I qualified those as being absurd.</p> <p>10 Any absurd item that you --</p> <p>11 Q So tell me what in the minimum guidelines</p> <p>12 you believe are absurd such that they're not</p> <p>13 applicable to the right-of-way agreement.</p> <p>14 A For the fourth time, planting grass where</p> <p>15 I now have my beautiful landscaping, planting ivy</p> <p>16 or pansies where Antonio Redd said they're</p> <p>17 planting six- and eight-foot corn with six-foot</p> <p>18 roots. That's what I'm talking about.</p> <p>19 Q What else in the minimum guidelines do</p> <p>20 you think are not reasonable restrictions?</p> <p>21 A I don't know. I would have to go through</p>	<p style="text-align: right;">Page 60</p> <p>1 BY MR. DINGMAN:</p> <p>2 Q Would it surprise you if he will testify</p> <p>3 later on he never said that?</p> <p>4 A Look me in the eye. Have I ever met</p> <p>5 anybody who ever told a lie?</p> <p>6 Q I don't know, Mr. Haas. I'm asking</p> <p>7 you --</p> <p>8 A I have in four previous suits and none of</p> <p>9 them won.</p> <p>10 Q Let's go back to your conversations with</p> <p>11 Tony Redd. We're going to focus on the 2017 time</p> <p>12 frame. Other than the statements you've already</p> <p>13 testified to, what else, if anything, did he say</p> <p>14 about the removal of the red maple tree?</p> <p>15 A Well, on the day he was there it -- it</p> <p>16 got rather intense. And they just kept -- in</p> <p>17 fact, I felt like my head was going to explode.</p> <p>18 Kind of like a couple times here this morning.</p> <p>19 They just kept saying, We are going to cut down</p> <p>20 your tree.</p> <p>21 And I said, Look me in my eye. You will</p>
<p style="text-align: right;">Page 59</p> <p>1 and pick them apart. Not planting -- I seem to</p> <p>2 recall things we weren't supposed to plant within</p> <p>3 so much of a valve assembly or distribution point</p> <p>4 or something. That's not at my house.</p> <p>5 I stood right there by that tree with</p> <p>6 Francis Stone, one of your engineers. I asked,</p> <p>7 Francis, you know this really upsets me.</p> <p>8 He said, I know.</p> <p>9 Do you know Francis Stone?</p> <p>10 Q He'll be here later today.</p> <p>11 A Do you know him?</p> <p>12 MR. ROST: Don't ask him questions. Just</p> <p>13 answer his questions.</p> <p>14 THE WITNESS: I asked Francis Stone, I</p> <p>15 said, With no pipe junctures here and with no</p> <p>16 valves sticking out of the ground, no stations</p> <p>17 here, what are the odds of anything happening here</p> <p>18 where I have my tree? What are the percentages?</p> <p>19 He said, Zero percent. But he said,</p> <p>20 They're going to ask you to get that tree out of</p> <p>21 there anyway.</p>	<p style="text-align: right;">Page 61</p> <p>1 not touch the tree.</p> <p>2 He said, Mr. Haas, your tree will come</p> <p>3 down.</p> <p>4 It was like a couple of three years old</p> <p>5 saying, No, you didn't. Yes, you did. No, you</p> <p>6 didn't. Yes, you did. It was really getting</p> <p>7 ridiculous.</p> <p>8 Finally they said, Well, let's go out and</p> <p>9 take a look, after about, I would say, 20 or 30</p> <p>10 minutes there in the kitchen. When they walked</p> <p>11 out there, I just stayed sitting at the table.</p> <p>12 Like I said, I felt like my head was going to</p> <p>13 explode.</p> <p>14 Where I had my tree they told me I could</p> <p>15 plant ivy, pansies or grass if I prefer. And my</p> <p>16 wife did follow them out. When they got down</p> <p>17 there, I later joined them. And she told you some</p> <p>18 of the conversations she had. When I came around</p> <p>19 the red maple tree, they were just talking about,</p> <p>20 And your lilac and nandina and your azaleas will</p> <p>21 all have to be cut to the ground.</p>

<p style="text-align: right;">Page 62</p> <p>1 And I said, Over my dead body.</p> <p>2 Mr. Redd said, Mr. Haas, these things</p> <p>3 have to go. We'll be here to cut this tree next</p> <p>4 Monday or Tuesday.</p> <p>5 I said, Look me straight in the eye. You</p> <p>6 will not be cutting anything next Monday or</p> <p>7 Tuesday.</p> <p>8 He said, We will cut the tree Monday or</p> <p>9 Tuesday. And we wrapped up things soon after</p> <p>10 that.</p> <p>11 Q This is the meeting that took place --</p> <p>12 A 24th.</p> <p>13 Q -- on March 24th?</p> <p>14 A At our house.</p> <p>15 Q That was with Karen Stevenson, Tony</p> <p>16 Redd --</p> <p>17 A And Cheryl Thrift.</p> <p>18 Q -- and Cheryl Thrift?</p> <p>19 A And, again, outside they kept saying, We</p> <p>20 want to be good neighbors. We want to be good</p> <p>21 neighbors. We're reclaiming the right-of-way.</p>	<p style="text-align: right;">Page 64</p> <p>1 you to come to my house and look to see what this</p> <p>2 will do to my home and my property. I said,</p> <p>3 That's an integral part of it. It's a key part of</p> <p>4 my landscaping scene. I said, It will just</p> <p>5 destroy it.</p> <p>6 She said, I'm sorry. We just can't do</p> <p>7 that.</p> <p>8 And I pressed and pressed and pressed. I</p> <p>9 said, You can't do such destruction without coming</p> <p>10 out and seeing for yourself what this will do to</p> <p>11 our house and our landscaping.</p> <p>12 And she -- as I recall, to the best of my</p> <p>13 recollection, she had a trip to Texas or</p> <p>14 something. Do they own Texas pipeline, if you</p> <p>15 know? I don't know.</p> <p>16 Q They own a lot of pipelines.</p> <p>17 A Okay. She said, I have a trip to Texas.</p> <p>18 Maybe I can swing by there on Friday on my way</p> <p>19 back. So that's what they did. And she brought</p> <p>20 Antonio Redd and Cheryl Thrift with her.</p> <p>21 Q So at this meeting that took place on</p>
<p style="text-align: right;">Page 63</p> <p>1 I said, Why do you have to reclaim the</p> <p>2 right-of-way? We have a written document that</p> <p>3 says you have a right-of-way.</p> <p>4 But they kept saying reclaiming the</p> <p>5 right-of-way. But I did explain to him I owned</p> <p>6 the property. I said, As strange as that sounds,</p> <p>7 you have a right to maintain your line below</p> <p>8 ground level, below cultivation and whatever that</p> <p>9 takes, but you don't have a right to destroy my</p> <p>10 property.</p> <p>11 Q Other than this meeting on March 24th,</p> <p>12 2017, did you have any other conversations with</p> <p>13 Karen Stevenson?</p> <p>14 A On the telephone prior to her coming, I</p> <p>15 had a conversation explaining the situation to</p> <p>16 her. And she said, Well, Mr. Haas, we're doing a</p> <p>17 clearing of the right-of-way. We're taking</p> <p>18 everything. She said, Your tree will have to come</p> <p>19 down.</p> <p>20 We must have spoken, I'm guessing, for</p> <p>21 ten minutes or so. I said, Ms. Stevenson, I need</p>	<p style="text-align: right;">Page 65</p> <p>1 March 24th, do you recall any statements she made</p> <p>2 about the pipeline and the need to remove the</p> <p>3 tree?</p> <p>4 A Absolutely. She said, The tree must be</p> <p>5 removed.</p> <p>6 And as my wife stated earlier, I said,</p> <p>7 But when I was on the phone with you, you told me</p> <p>8 you had checked with your arborist. I think you</p> <p>9 said you had one inside and one outside of the</p> <p>10 company that you checked with, and they all</p> <p>11 confirmed that they're noninvasive roots.</p> <p>12 And she said, That's correct, but the</p> <p>13 tree has to be cut down.</p> <p>14 They're trying to set a precedent.</p> <p>15 They're trying to show my neighbors that you don't</p> <p>16 screw around with this multibillion dollar plus</p> <p>17 plus company and that no one can question them.</p> <p>18 They don't want to have one tree standing and</p> <p>19 another neighbor say, What's their tree doing</p> <p>20 there? My tree is gone.</p> <p>21 And my neighbor had a beautiful pink</p>

<p style="text-align: right;">Page 66</p> <p>1 dogwood taken out when there was no need to take</p> <p>2 that tree. It was doing no damage to anybody, and</p> <p>3 two big beautiful Kwanzan cherry trees. And later</p> <p>4 on I was telling her what happened. She said, We</p> <p>5 couldn't have afforded to fight them.</p> <p>6 And that's what you all depend on. Just</p> <p>7 crushing these little guys like a gnat because</p> <p>8 they can't afford to maintain the lawsuit.</p> <p>9 Q Or maybe they're just really interested</p> <p>10 in maintaining a safe pipeline.</p> <p>11 A No. Actually, that wasn't the case</p> <p>12 because I know --</p> <p>13 Q And you know that why?</p> <p>14 A Because the tree --</p> <p>15 Q Why are all these people out to get you,</p> <p>16 Mr. Haas?</p> <p>17 MR. ROST: Let him answer the --</p> <p>18 THE WITNESS: All of the people? What</p> <p>19 people, Mr. Dingman? What's on your list of</p> <p>20 people that are out to get me?</p> <p>21 BY MR. DINGMAN:</p>	<p style="text-align: right;">Page 68</p> <p>1 A -- so hostile to me? I said --</p> <p>2 Q I'm not being hostile to you. You're</p> <p>3 making --</p> <p>4 A You just said, Tell me. And I said, I'll</p> <p>5 tell you this. And then you interrupted me.</p> <p>6 Q -- you're making accusations that people</p> <p>7 are lying, that you're being bullied. And I would</p> <p>8 like to know what you know about what's necessary</p> <p>9 to maintain the safety of a natural gas pipeline</p> <p>10 that substantiates what you're saying under oath?</p> <p>11 A I don't know the inner workings of your</p> <p>12 pipeline company any more than you can run a</p> <p>13 nursing home for three seconds.</p> <p>14 Q Then why are you accusing people of</p> <p>15 acting improperly?</p> <p>16 A Because the facts that they're</p> <p>17 representing to me are not true. They're</p> <p>18 saying --</p> <p>19 Q What facts?</p> <p>20 A I just went over this ten times and you</p> <p>21 kept attacking me. All of those huge 160-foot --</p>
<p style="text-align: right;">Page 67</p> <p>1 Q Well, you said pretty much everyone you</p> <p>2 talked to at Columbia is a liar and committing</p> <p>3 fraud, and they're not doing this for any reasons</p> <p>4 relating to the safety of their pipeline. I would</p> <p>5 like to know, since you're accusing all these</p> <p>6 people of acting improperly, what do you know</p> <p>7 about what's necessary to maintain a safe</p> <p>8 pipeline?</p> <p>9 A I'll tell you this --</p> <p>10 Q No. Answer my question. What --</p> <p>11 A I just said --</p> <p>12 Q -- do you know --</p> <p>13 A -- "I'll tell you this."</p> <p>14 Q -- what do you --</p> <p>15 MR. ROST: Let him answer --</p> <p>16 BY MR. DINGMAN:</p> <p>17 Q -- know about operating a safe --</p> <p>18 A Why are you being --</p> <p>19 MR. ROST: Hey, let --</p> <p>20 BY MR. DINGMAN:</p> <p>21 Q -- pipeline?</p>	<p style="text-align: right;">Page 69</p> <p>1 Q Let me just state for the record, I have</p> <p>2 not been attacking you. And that's --</p> <p>3 A You just did it again. I was trying --</p> <p>4 Q -- an improper statement. I've let you</p> <p>5 actually argue for probably half of this</p> <p>6 deposition without interrupting you. But my</p> <p>7 question is very specific. You're making serious</p> <p>8 accusations --</p> <p>9 A Yes.</p> <p>10 Q -- on the record --</p> <p>11 A On the record.</p> <p>12 Q -- that people are lying to you --</p> <p>13 A Misrepresenting.</p> <p>14 Q -- and misrepresenting to you why they</p> <p>15 need to remove your tree. So I --</p> <p>16 A Yes.</p> <p>17 Q -- would like to know what your knowledge</p> <p>18 is of about what is required to safely operate and</p> <p>19 maintain a natural gas transmission line.</p> <p>20 A All right. Let me answer your question.</p> <p>21 Q I'd be happy to hear it.</p>

<p style="text-align: right;">Page 70</p> <p>1 A The reason they're misrepresenting the</p> <p>2 facts that if my tree were the big boogymen that</p> <p>3 you represented and they're representing through</p> <p>4 you to me, then they would have to go down and</p> <p>5 root prune every tree through their 50-foot</p> <p>6 pipeline right-of-way coming from these trees that</p> <p>7 are mega times bigger than my red maple. And</p> <p>8 those roots crisscross.</p> <p>9 Don't take my word for it. Go to your</p> <p>10 computer. A fifth grader could do it. Call Iowa</p> <p>11 State University. Look how deep the roots grow.</p> <p>12 Look up the root spread of the American elm. Look</p> <p>13 up the root spread of the sycamore tree. 160 to</p> <p>14 420 feet.</p> <p>15 And you're telling me with a straight</p> <p>16 face that these people have not misrepresented the</p> <p>17 comparative safety of my maple tree to what they</p> <p>18 know goes down that pipeline? I'm sorry. I'm not</p> <p>19 buying it.</p> <p>20 Q How many trees were removed by Columbia</p> <p>21 in your neighborhood?</p>	<p style="text-align: right;">Page 72</p> <p>1 taken some of the trees in my neighbor's lot.</p> <p>2 Q Why do you say that?</p> <p>3 A Because I don't think they're a threat to</p> <p>4 the pipeline. That's my opinion.</p> <p>5 Q I understand that's your opinion, but I'm</p> <p>6 asking you -- you're making accusations that</p> <p>7 there's no basis for any of this and you're saying</p> <p>8 it's my opinion. My question for you is, what is</p> <p>9 that opinion based on?</p> <p>10 A The opinion is based on the fact that</p> <p>11 those tree roots that are all over that pipeline</p> <p>12 make mine small by comparison. You could not boil</p> <p>13 this case down to being any simpler than that.</p> <p>14 The massive tree roots that cover that</p> <p>15 pipeline from both sides of the remaining trees</p> <p>16 are so huge, they make mine look like a tiny</p> <p>17 cupcake compared to a wedding cake by comparison.</p> <p>18 And to dig down to my maple tree is going to be a</p> <p>19 fraction of the time it will take them to get</p> <p>20 through if a leak happens 50 feet that way.</p> <p>21 Q So getting back to this meeting on March</p>
<p style="text-align: right;">Page 71</p> <p>1 A A lot of them.</p> <p>2 Q A lot of them?</p> <p>3 A Yeah.</p> <p>4 Q So they are taking action on adjacent</p> <p>5 properties, right?</p> <p>6 A Oh, absolutely. And I just said the</p> <p>7 trees --</p> <p>8 Q So why --</p> <p>9 A -- that they just cleared, all those</p> <p>10 roots from the trees that left -- that are left</p> <p>11 standing on the sides are still growing and</p> <p>12 crisscrossing across those pipelines like there is</p> <p>13 no tomorrow. Yet, they're making out like my</p> <p>14 maple tree is the boogeyman.</p> <p>15 Q So my question is, why do you believe</p> <p>16 then, since they've removed these other trees,</p> <p>17 that they're acting fraudulently and improperly in</p> <p>18 trying to remove your tree along with all the</p> <p>19 others they took out of the neighborhood?</p> <p>20 A Because the trees that were taken out I'm</p> <p>21 watching in -- I don't think they should have</p>	<p style="text-align: right;">Page 73</p> <p>1 24th, 2017. Other than what you've testified to,</p> <p>2 did Karen Stevenson say anything else to you</p> <p>3 regarding the removal of the red maple tree?</p> <p>4 A No. In essence, it's gone. We will take</p> <p>5 the red maple tree.</p> <p>6 Q And Cheryl Thrift was also at this</p> <p>7 meeting; is that correct?</p> <p>8 A That's correct.</p> <p>9 Q Do you recall any statements she made</p> <p>10 about the removal of the tree?</p> <p>11 A Yes. It should go. She was also -- you</p> <p>12 know, in a conversation one person doesn't keep</p> <p>13 talking. The other one -- when we were down below</p> <p>14 the red maple tree, they were all in concert</p> <p>15 saying, yeah, the azaleas have to go. Then</p> <p>16 another one, yeah, we have to clear that. The</p> <p>17 lilac has to go. So then all of this will be</p> <p>18 gone.</p> <p>19 Q Anything else that you recall Ms. Thrift</p> <p>20 saying during this meeting?</p> <p>21 A No. Primarily that she concurred with</p>

<p style="text-align: right;">Page 74</p> <p>1 the noninvasive roots of the Burgundy Lace maple, 2 and that was not a part of her consideration. 3 Q Did you have any other conversations with 4 her other than what happened at this meeting on 5 March 24th? 6 A I do not recall. The next communication 7 I had from her was this letter threatening to sue 8 us. After we would allow them to cut the tree 9 down, we would sign a confidentiality agreement, 10 which I found, in spite of all of the trauma of 11 this and the stress, rather amusing that we would 12 sign a confidentiality agreement to discuss 13 anything with them after they cut our tree down. 14 And they had made promises over and over. 15 You get someone in here. You know, we'll take 16 care of things. You get someone in here and draw 17 up a plan and all this. Of course, that's us 18 funding the money once again. 19 And talking about damages, I said, 20 Besides, we're going to have damages. 21 They said, There's no damages. We're</p>	<p style="text-align: right;">Page 76</p> <p>1 Q But that doesn't mean those restrictions 2 do not apply, right? 3 A So then I don't have a right-of-way. 4 This thing is worth nothing. 5 Q You mentioned that you had at least one 6 conversation with Francis Stone. So let's go back 7 to that. 8 A Yes. 9 Q On how many occasions did you either meet 10 with or talk to Mr. Stone? 11 A On one occasion he came out when they had 12 to rerun a TV cable. And they said -- he said, I 13 have to be here when they put the 70-foot conduit. 14 Q This is running cable to your house? 15 A Yes. And that was, I'm guessing, three 16 months before that. Again, that's guessing. 17 Q Was that approximately September of 2016? 18 A Your guess is as good as mine. 19 Q We looked at one call ticket at the prior 20 deposition. 21 A Oh, okay.</p>
<p style="text-align: right;">Page 75</p> <p>1 just maintaining our pipeline. 2 I said, But my right-of-way agreement -- 3 I don't know what their definition of the word 4 "any" is, but my agreement states that if there's 5 any damages, that they would fully reimburse as a 6 result of their maintenance of the pipeline. 7 But they said, No. That's not true. No 8 damages. 9 So you see, they just pick and choose 10 anything they want. Insert stuff that's not there 11 like how -- I've gone over this thing 100 times. 12 I can't find that ten-foot width over top of the 13 pipeline where we can plant nothing. And I can't 14 find where -- the other stuff is to grow just 15 five-feet tall. 16 Q And you can't find anything that says 17 don't build a house on the pipeline. You can't 18 find anything that says don't -- 19 A Going back to the -- 20 Q -- build a shed on the pipeline. 21 A -- judge's interpretation to the absurd.</p>	<p style="text-align: right;">Page 77</p> <p>1 Q So he was out on that occasion, whenever 2 the date might be. 3 A Right. I think the cable company is 4 required to call and everything. 5 Q So did you have a conversation with him 6 at that time regarding the tree? 7 A No. He told me -- he was just standing 8 there waiting, killing time. And he looked and he 9 said, You know what. I'll bet you that tree down 10 there is going to have to go. And he pointed to 11 the neighbor's cherry tree and he said, I'll bet 12 that one will have to go. And I'll bet you that 13 one might have to go. 14 Q Did he point to your tree? 15 A Yeah. I said that was the first one he 16 pointed to, because he was standing there, you 17 know, just walking around and looking at the 18 pipeline up and down. 19 Q Was that the first time you met him? 20 A To my knowledge it is. He could have 21 been --</p>

<p style="text-align: right;">Page 78</p> <p>1 Q When was the next time you had a meeting</p> <p>2 or a conversation with Mr. Stone?</p> <p>3 A He stopped by different times, you know,</p> <p>4 I guess, looking at the progress of it. Then that</p> <p>5 one day when we stood by the tree there, of course</p> <p>6 I remember that.</p> <p>7 Q Do you recall when that was?</p> <p>8 A I don't. And I don't --</p> <p>9 Q Was it before or after the meeting on</p> <p>10 March 24th that we talked about?</p> <p>11 A I think it was before.</p> <p>12 Q So he was out there --</p> <p>13 A Just checking stuff.</p> <p>14 Q Okay. What did you discuss with him at</p> <p>15 that time?</p> <p>16 A My tree and the progress of the -- you</p> <p>17 know, the general progress of the clearing and...</p> <p>18 Q What, if anything, did he say to you</p> <p>19 during that conversation about --</p> <p>20 A I've already stated that. I thought I</p> <p>21 already answered that.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q So he wasn't at the March 24th meeting</p> <p>2 that we've talked about?</p> <p>3 A Definitely not.</p> <p>4 MR. DINGMAN: Why don't we take a quick</p> <p>5 break so I can organize this.</p> <p>6 (A recess was taken from 12:34 to 12:45</p> <p>7 p.m.)</p> <p>8 BY MR. DINGMAN:</p> <p>9 Q All right. Mr. Haas, I want to ask you</p> <p>10 about the planting of the tree. I think we've</p> <p>11 already established it was planted in July of</p> <p>12 1976, correct?</p> <p>13 A That sounds correct.</p> <p>14 Q Were you actually involved, or did you</p> <p>15 observe the planting of the tree at that time?</p> <p>16 A To the best of my recollection I did</p> <p>17 because whenever anything like that goes on, I'm</p> <p>18 there to see that it's set right and, you know,</p> <p>19 that it turns out the way we want it.</p> <p>20 Q The tree was installed -- again, this is,</p> <p>21 I don't think, disputed by --</p>
<p style="text-align: right;">Page 79</p> <p>1 Q Can you answer it again? I just want to</p> <p>2 be sure that --</p> <p>3 A Yes. We were standing --</p> <p>4 Q -- this is the --</p> <p>5 A -- by the tree. I said, Francis,</p> <p>6 seriously. I said, With no pipe junctions, with</p> <p>7 no valves here, what are the odds -- what are the</p> <p>8 percentages of anything happening here at this</p> <p>9 tree?</p> <p>10 And he said, Zero percentage.</p> <p>11 Q At any time did he ever show you pictures</p> <p>12 or photographs of tree roots around the pipeline?</p> <p>13 A Antonio Redd did a good job of that.</p> <p>14 Q Did Mr. Stone show any of those pictures?</p> <p>15 A No. Antonio Redd had a prepared album.</p> <p>16 Q After this meeting that you were just</p> <p>17 talking about with Mr. Stone, did you meet or talk</p> <p>18 with him again?</p> <p>19 A I'm sure, as time went on, he -- I may</p> <p>20 have seen him coming and -- but I know of no -- I</p> <p>21 can't recall any other incidents.</p>	<p style="text-align: right;">Page 81</p> <p>1 A Correct.</p> <p>2 Q -- Garden Gate, correct?</p> <p>3 A That's correct.</p> <p>4 Q Okay. Can you just explain to me, based</p> <p>5 on your observation, how they went about planting</p> <p>6 the tree at that time?</p> <p>7 A As I recall, the dirt where we had --</p> <p>8 where you see that big circle come out, if you --</p> <p>9 if you look at the picture closely, I'm sure you</p> <p>10 can see it. But the dirt comes out and then kind</p> <p>11 of comes up to the tree. Let me take a look at</p> <p>12 that and see if it shows that at all.</p> <p>13 Q Just for the record, you're referring to</p> <p>14 Exhibit 6.</p> <p>15 A See this here? This is where I'm talking</p> <p>16 about the drop off from the dirt from the</p> <p>17 foundation is up here. Then it was feathered out</p> <p>18 down over this way and down toward my neighbor's</p> <p>19 house that way and --</p> <p>20 Q For the record you're pointing at the</p> <p>21 first picture of Exhibit 6.</p>

<p style="text-align: right;">Page 82</p> <p>1 A Yes. If you look very carefully at the 2 base of the maple tree, you can see where the 3 roots start going out. And that's where the dirt 4 was mounded up -- let me see if another picture 5 shows it from the -- now, this would show it. I 6 can see it, but you wouldn't. Here you can see a 7 little bit of it on Exhibit -- 8 Q This is Exhibit 6. Are you looking at 9 the fourth photograph or the third -- 10 A Yeah. 11 Q All right. So the third photograph of 12 Exhibit 6. 13 A If you look very carefully on this one, I 14 think you can see right here where it starts 15 mounding up right here and comes up to the tree. 16 And this is the dirt that was feathered out from 17 the basement. 18 If you go down here, this is a full 19 story. From here down to here is a full story as 20 it goes along this side of the house. This side 21 of this wing. So the dirt was all bulldozed up</p>	<p style="text-align: right;">Page 84</p> <p>1 to bother with it. We're taking your tree. We're 2 going to cut your tree. So that was the end of 3 that. 4 Q Let's go back to the planting of the tree 5 and the question I had asked before which is, can 6 you explain how -- if you observed it, how the 7 tree was actually planted? 8 A I can't give you the -- that would be 9 unfair to pretend. I know how they do it. 10 Q That's fine. If you can't answer, that's 11 fine. 12 A I couldn't tell precisely how they do it. 13 Generally when I've had anything like that 14 planted, they like to have it -- instead of the 15 shrub down in the dirt -- because if too much 16 moistures collects, the roots rot and you have a 17 dead plant. 18 So what they'll do is raise it up so that 19 like -- typically half of the root ball is 20 below -- that's the hole. They dig a hole to 21 accommodate roughly half of the root ball or maybe</p>
<p style="text-align: right;">Page 83</p> <p>1 and then feathered out. This is a full basement 2 under the thing. That's a lot of dirt. 3 So they pushed it all up and then 4 feathered it out this way and this way to make 5 that gentle little knoll up to the house. So we 6 believed -- and I offered, in fact, when Mr. Redd 7 came out with his friend -- what was his name? 8 Mr. Fishell or whatever his name was at that time 9 prior to the attempt to take the tree. 10 And I walked them both over to the base 11 of the tree. And I said, There's no need to take 12 my word for this. I said, You must have a way -- 13 now I know there is because I heard the engineer 14 talk about that machine where they can go, "bltt, 15 bltt, bltt". You know, blow air down into the 16 thing and find out how deep the pipe actually is. 17 I said, You -- I offered to you -- I 18 said, Dig down and find out where the pipe is. 19 See if it's two and a half feet or if it's seven 20 feet from below my tree. 21 He said, Mr. Haas, look. We're not going</p>	<p style="text-align: right;">Page 85</p> <p>1 a little more. Then they mound the dirt up to 2 that. 3 Q So my understanding -- 4 A And then make the bed appropriately, you 5 know, more -- make it so it feathers out nicely 6 and put mulch on. 7 Q That's your understanding of how they 8 would typically do it, but you don't know what 9 they actually did when they -- 10 A Absolutely not. 11 Q -- planted this tree? 12 A I could never attest to that. 13 Q Did anyone, either you or Garden Gate, 14 attempt to contact the gas company at that time 15 regarding the planting of the -- 16 A I did not. 17 Q -- tree? 18 A I have no knowledge if Garden Gate did. 19 I doubt if they did. 20 Q Okay. Was there any effort to locate the 21 pipeline itself prior to planting the tree?</p>

<p style="text-align: right;">Page 86</p> <p>1 A No.</p> <p>2 Q Did you know where the pipeline was at</p> <p>3 the time the tree was planted?</p> <p>4 A If you had asked me where is the</p> <p>5 pipeline, I probably could have lined it up. But</p> <p>6 there were no thoughts given to that inasmuch as</p> <p>7 my right-of-way didn't require us to do such a</p> <p>8 thing. It was just use the property and enjoy it,</p> <p>9 which we did.</p> <p>10 Q All right. If you could have Exhibits 13</p> <p>11 and 16, we're going to walk through the complaint</p> <p>12 and the answer. So let me ask you about Exhibit</p> <p>13 13 first which is the complaint filed by Columbia</p> <p>14 in this case. Have you seen this before?</p> <p>15 A I have.</p> <p>16 Q And Exhibit 16, which is the answer filed</p> <p>17 on behalf of you and your wife, have you seen this</p> <p>18 before?</p> <p>19 A This is Exhibit 16?</p> <p>20 Q Yes.</p> <p>21 A Yes.</p>	<p style="text-align: right;">Page 88</p> <p>1 crossing from those huge trees that line their</p> <p>2 right-of-way.</p> <p>3 Q The last sentence says, It affects the</p> <p>4 ability to perform inspections of the pipeline. I</p> <p>5 don't think we've talked about that. What's the</p> <p>6 basis for denying that allegation?</p> <p>7 A Because they said they've run the pig.</p> <p>8 They've done the close interval surveys. And we</p> <p>9 have seen them walking through there doing</p> <p>10 whatever they do. And I believe they have done</p> <p>11 helicopter inspections as well.</p> <p>12 Q Have you had a conversation with anyone</p> <p>13 about the types of inspections that are conducted</p> <p>14 by Columbia?</p> <p>15 A Probably more Antonio the day of the</p> <p>16 visit to the house. And he was talking about the</p> <p>17 close interval survey, the pig, and that they want</p> <p>18 to do more of the infrared surveys. And that</p> <p>19 could be, again, you know, some new thing they've</p> <p>20 come up with recently that they want me tree out</p> <p>21 of the way so they can do that.</p>
<p style="text-align: right;">Page 87</p> <p>1 Q I would like you to turn to page 3 of</p> <p>2 both documents. Looking at the complaint in</p> <p>3 paragraph 15, Columbia alleges that the</p> <p>4 right-of-way is 50 feet, 25 feet on either side of</p> <p>5 the pipeline. Do you dispute that?</p> <p>6 A No.</p> <p>7 Q If you turn to the next page of the</p> <p>8 complaint which is page 4, in paragraph 17</p> <p>9 Columbia alleges that the tree impedes the safe</p> <p>10 maintenance and operation of the pipeline</p> <p>11 including access to the pipeline, and also limits</p> <p>12 Columbia's ability to perform inspections of the</p> <p>13 pipeline. And you have denied that allegation.</p> <p>14 I'm not going to go back over the things</p> <p>15 that we've talked about already. So my question</p> <p>16 is, other than what you've already testified to,</p> <p>17 is there any other basis for your denial that it</p> <p>18 interferes with access to the pipeline?</p> <p>19 A No. It is of no more -- in fact, even</p> <p>20 less complicated to get in there than it is down</p> <p>21 the pipeline where they have all the roots</p>	<p style="text-align: right;">Page 89</p> <p>1 But the tree doesn't have leaves on it</p> <p>2 for probably half the year. And in their</p> <p>3 cornfield they've got -- I mean, it is jam packed</p> <p>4 full. If you've have seen how they plant corn in</p> <p>5 Howard and Montgomery County, that stuff is pretty</p> <p>6 dense. So they -- they don't seem to be inhibited</p> <p>7 there by that, or the deep six-foot roots.</p> <p>8 Q Okay. If you look at the next</p> <p>9 allegation, paragraph 18, Columbia alleges that</p> <p>10 allowing the tree to remain creates safety risks</p> <p>11 including delaying the ability of Columbia to</p> <p>12 access and repair the pipeline in the event of an</p> <p>13 emergency.</p> <p>14 Again, we've talked about this quite a</p> <p>15 bit already in the deposition. Is there any other</p> <p>16 basis for denying that allegation that we've not</p> <p>17 discussed?</p> <p>18 A No.</p> <p>19 Q Okay. The next allegation, paragraph 19,</p> <p>20 states that the tree also interferes with the</p> <p>21 cathodic protection of the pipeline and the roots</p>

<p style="text-align: right;">Page 90</p> <p>1 of the tree can damage the coating of the pipeline 2 which was also denied. 3 Let's start with the back end of that 4 allegation which is the roots of the tree can 5 damage the coating on the pipeline. It's my 6 understanding that the basis for that denial is 7 your contention that the roots are no more than 24 8 to 27 inches deep; is that correct? 9 A That's correct, based on actually -- 10 other than information readily available on the 11 Internet and the different extensive services of 12 the universities, that tree just doesn't have 13 those real deep roots. Very shallow. 14 Q Do you know what the depth of the cover 15 is over the pipeline at the location of the tree? 16 A As near as we can calculate it, it would 17 be four feet according to Columbia's own engineer 18 at its original installation. And then there's 19 the dirt that was feathered out from the 20 foundation of the house at the time it was built, 21 in addition to any dirt that was added at the time</p>	<p style="text-align: right;">Page 92</p> <p>1 actual knowledge of what was done with that dirt? 2 A That's correct. 3 Q And you don't know what was actually done 4 when the tree was planted in 1976, correct? 5 A I know it was planted, and I know that it 6 wasn't -- that it was above the grade that existed 7 when we bought the house which had that dirt 8 feathered out there and sloped out. So I know 9 that there was dirt added. 10 Q Do you know how much dirt was added at 11 the time the tree was planted? 12 A No. I'm looking at the tree, and it 13 appears to be about 12 to 13 inches or so. 14 Q Okay. Now looking at the first part of 15 the allegation in paragraph 19, that the tree 16 interferes with the cathodic protection of the 17 pipeline, what's the basis for denying that 18 allegation? 19 A It's impossible to interfere with it with 20 those shallow roots. It's not possible. And if 21 that were -- if that were the problem and if it</p>
<p style="text-align: right;">Page 91</p> <p>1 the maple tree was planted and mounded up to. 2 Q You were not involved with the 3 construction of the home, correct? 4 A Not at all. 5 Q And I understand -- 6 A It was completely built, to be clear. 7 Q Right. 8 A When I saw the house, it was turnkey. 9 Q Okay. So what was actually done with the 10 soil and the dirt when the house was built, you 11 have no personal knowledge of that, correct? 12 A No. I can only look at the site and the 13 rest of the lay of the land where it was mounded 14 up in the back and tapered off and where it was 15 mounded in the front and tapered off and where the 16 end of my house has the walkout basement. So I 17 would have to be almost brain dead not to see 18 where the dirt went or where it disappeared to 19 because they didn't haul it away. 20 Q Well, I understand that that's your 21 assumption, but you don't know -- you don't have</p>	<p style="text-align: right;">Page 93</p> <p>1 were possible, they would be trenching all the way 2 down through the woods and getting rid of those 3 massive crisscrossing roots from the sycamore 4 trees and the American elms and other trees that 5 line that right-of-way with roots 120, 460 feet 6 out. 7 Q I understand it's your position that 8 those roots would not interfere with the cathodic 9 protection, but what's the basis for that? 10 A They're not there. 11 Q What's not there? 12 A The roots. How would they interfere with 13 the cathodic protection if the pipe is four feet 14 down -- I mean originally and then you have 15 another foot to two feet of dirt on top of that 16 and you have 24-inch roots on my tree, how would 17 that possibly interfere with it? 18 Q So your position is the distance between 19 the roots of the tree and the pipeline do not 20 cause any problem with the cathodic protection? 21 A I'm not a scientist. I couldn't -- I do</p>

<p style="text-align: right;">Page 94</p> <p>1 not know. But from what I understand, that would 2 not be a problem. And if it were a problem, they 3 have a cathodic protection problem for thousands 4 and thousands of miles of pipeline that run 5 through wooded right-of-ways because those roots 6 are extensive. 7 Don't take my word for it. Just Google 8 it. Those tree roots run out hundreds of feet. 9 And just because they clear the right-of-way the 10 tree roots don't stop growing. 11 Q Take a look at the next paragraph in the 12 complaint which is paragraph 20 which alleges that 13 if the tree is not removed, there could be an 14 increased risk of property damage, personal injury 15 and disruption of gas service which is also -- 16 these allegations are all denied. What's the 17 basis for denying those allegations? 18 A Same as in the previous one. The roots 19 are not a problem and that it would take no longer 20 to clear that than it would for them to clear the 21 roots in the right-of-way through the rest of the</p>	<p style="text-align: right;">Page 96</p> <p>1 do with respect to your property? 2 A To my recollection -- and I think that 3 was the time -- and if you said I had to swear 4 that that was the precise time, I couldn't say yes 5 if a gun was held to my head if the answer was 6 wrong. 7 But as I recall, when they were coming 8 through -- because of Antonio Redd's letter in 9 2010, when the gentlemen were coming through, I 10 was extremely concerned about what the letter said 11 about clearing the right-of-way and cutting 12 everything down and I asked about the red maple 13 tree. 14 Now, if it wasn't that time, it was a 15 time either prior or after that. And the guy 16 said, Mr. Haas, we're not touching your tree. 17 We're not touching anything. We're just doing 18 whatever we do. And that was when in 2010 they 19 did the close interval survey where they put the 20 little wire across it. Like I said, I never heard 21 from Columbia that they had any problem with that</p>
<p style="text-align: right;">Page 95</p> <p>1 woods from those huge trees. 2 Q I'm going to have you take a look now at 3 Exhibit 18. Mr. Haas, I would like you to take a 4 look at what's been marked as Exhibit 18 which are 5 you and your wife's interrogatory responses in 6 this case. Have you seen this document before? 7 A Yes, sir. 8 Q If you would turn to page 11, is that 9 your signature on the verification line? The 10 second signature? 11 A It is. 12 Q If you would turn back to page 2 of the 13 interrogatory responses, there is discussions 14 about inspections over the years. And you talk 15 about 2017, which we've discussed quite a bit 16 already, and in the spring of 2010. I would like 17 to go back to May 2010 and move forward from 18 there. 19 In that time frame did you have any -- 20 2010 time frame, any conversations with anyone at 21 Columbia about the tree or what they intended to</p>	<p style="text-align: right;">Page 97</p> <p>1 test and couldn't complete it. 2 Q Do you recall anybody in particular that 3 you spoke to -- 4 A You're kidding. 5 Q -- at that time? 6 A No. 7 Q Okay. Other than the close interval 8 survey -- let me ask you about that. Did you 9 actually observe that being done? 10 A Just very casually but no. If they did 11 it, they did it and got out of the way. I was 12 just concerned about the tree. 13 Q Okay. So were you actually at the 14 property when they did the close interval survey? 15 A Well, I -- if that was the time I talked 16 to the guys and expressed my concern about the 17 tree and they reassured me they weren't cutting 18 anything or whatever, then that would have been 19 the time. But I don't remember their test or 20 anything. 21 Q Okay. When was the next time, moving</p>

<p style="text-align: right;">Page 98</p> <p>1 forward from 2010, that you had any contact or</p> <p>2 conversation with anyone from Columbia?</p> <p>3 A Almeda Tincher sent a letter in 2016</p> <p>4 regarding maintenance -- by the way, this is a</p> <p>5 general mail out -- one of their general mail-out</p> <p>6 letters. It says, Please be aware all -- she</p> <p>7 starts out, Dear pipeline neighbor, part of the</p> <p>8 ongoing commitment to public safety, et cetera,</p> <p>9 TransCanada's pipeline, administrators are right</p> <p>10 away using a variety of vegetation and control</p> <p>11 methods.</p> <p>12 Then it says, Please be aware all</p> <p>13 vegetation in the right-of-way that does not meet</p> <p>14 Columbia's minimum guidelines -- there's that term</p> <p>15 again -- for construction enclosed is subject to</p> <p>16 removal. And so that was -- that was in</p> <p>17 October -- dated October 6th, 2016, from Almeda</p> <p>18 Tincher.</p> <p>19 Q And we've already discussed the</p> <p>20 subsequent meetings between you and Columbia Gas</p> <p>21 after you received that, correct?</p>	<p style="text-align: right;">Page 100</p> <p>1 THE WITNESS: What was the question?</p> <p>2 MR. ROST: What inspections prior to</p> <p>3 2010 --</p> <p>4 BY MR. DINGMAN:</p> <p>5 Q What did you observe prior to 2010 with</p> <p>6 respect to any inspections by Columbia?</p> <p>7 A It just would have been as we would have</p> <p>8 observed them coming through. Again, see, this</p> <p>9 was not an issue that was at the forefront of our</p> <p>10 minds as to what they are -- we just knew there</p> <p>11 was a pipeline there and, you know, when they</p> <p>12 would come through, they would do a visual</p> <p>13 inspection or whatever they would do.</p> <p>14 And so there was never much -- you know,</p> <p>15 wave. Hi. Good morning, whatever. There was</p> <p>16 also -- interestingly enough, my neighbor</p> <p>17 mentioned to me a pipeline, I think, behind his</p> <p>18 property which I think was a defunct or a</p> <p>19 discontinued pipeline or something. But he's seen</p> <p>20 people back there either checking or whatever.</p> <p>21 But I know very little about that.</p>
<p style="text-align: right;">Page 99</p> <p>1 A Yes.</p> <p>2 Q Prior to 2010, had you observed any work</p> <p>3 or inspections being performed by Columbia in the</p> <p>4 right-of-way?</p> <p>5 A Periodically. Periodically but not -- I</p> <p>6 do not ever recall them going through and clear</p> <p>7 cutting. If they did, I didn't -- since it didn't</p> <p>8 affect my property, I probably didn't pay much</p> <p>9 attention.</p> <p>10 Q In that pre-2010 time frame when you</p> <p>11 observed somebody from Columbia, the gas company,</p> <p>12 was it just somebody walking through, or what did</p> <p>13 you observe?</p> <p>14 MR. ROST: I just want to note for the</p> <p>15 record that the plaintiff has objected to our</p> <p>16 discovery request for inspections prior to 2010.</p> <p>17 He can certainly answer your questions about that,</p> <p>18 but there's a little bit of an inconsistency there</p> <p>19 for you to ask him questions when you have claimed</p> <p>20 that it's irrelevant.</p> <p>21 But go ahead. Answer the question.</p>	<p style="text-align: right;">Page 101</p> <p>1 Q Okay. Turn to page 5 of the</p> <p>2 interrogatory responses. There's a number of</p> <p>3 folks who have been identified as people with</p> <p>4 knowledge of the tree. We've talked about some of</p> <p>5 them already. So let me just ask about the ones</p> <p>6 we have not discussed. Who is Lew Bloch?</p> <p>7 A He's the arborist that came out to look</p> <p>8 at the tree.</p> <p>9 Q Was he assisted by anybody?</p> <p>10 A No.</p> <p>11 Q Kelly Lewis with Ruppert. We've already</p> <p>12 discussed Mr. Lewis, correct?</p> <p>13 A Right.</p> <p>14 Q Who is the next person, Tony --</p> <p>15 A Tony Mucciardi. He and Diane Knighton --</p> <p>16 I contacted Tony Mucciardi, and Diane Knighton was</p> <p>17 the one that actually came out and did the radar</p> <p>18 survey.</p> <p>19 Q Okay. Did you ever speak or meet with</p> <p>20 him?</p> <p>21 A No. Oh, speak, yes, on the phone.</p>

<p style="text-align: right;">Page 102</p> <p>1 Q Okay. Was that just to arrange them</p> <p>2 coming out?</p> <p>3 A Correct.</p> <p>4 Q So who conveyed to you the results of</p> <p>5 that testing?</p> <p>6 A Diane Knighton.</p> <p>7 Q What did she tell you?</p> <p>8 A That the roots are 24 to 27 inches and</p> <p>9 gave the graph of those.</p> <p>10 Q Grant Rewega we've talked about.</p> <p>11 A Grant Rewega, right.</p> <p>12 Q SavATree we have discussed. There is a</p> <p>13 reference to crew members. Were there any crew</p> <p>14 members that you recall having a conversation</p> <p>15 with?</p> <p>16 A Yeah. There was a Vince guy that I</p> <p>17 mentioned earlier. Then there was a great big --</p> <p>18 almost seems, I think, like he had an island</p> <p>19 accent. The very first people I talked -- I went</p> <p>20 down -- there were coming up to where they would</p> <p>21 have to take Baldwin's huge oak tree, and they</p>	<p style="text-align: right;">Page 104</p> <p>1 A You mean other than a nervous breakdown,</p> <p>2 doctor bills and that sort of thing?</p> <p>3 Q Yes.</p> <p>4 A No. It would be the irreplaceable value</p> <p>5 of the tree. It would be the devaluation in the</p> <p>6 resale of our house which would be substantial.</p> <p>7 Q Have you done any analysis to determine</p> <p>8 what the impact you think would be on the resale</p> <p>9 of the house?</p> <p>10 A In my opinion it would be substantial</p> <p>11 meaning more than \$50,000, less than 150,000.</p> <p>12 Q Have you had an appraiser or real estate</p> <p>13 agent that --</p> <p>14 A I have not because the tree is still</p> <p>15 there. And that would be something to be broached</p> <p>16 if, God forbid, the tree ever had to come down.</p> <p>17 MR. DINGMAN: Okay. Why don't we go off</p> <p>18 the record. I think I may be done.</p> <p>19 (A recess was taken from 1:11 to 1:13</p> <p>20 p.m.)</p> <p>21 MR. DINGMAN: That's all the questions I</p>
<p style="text-align: right;">Page 103</p> <p>1 hadn't taken it yet.</p> <p>2 I said, I have this brochure at my house.</p> <p>3 He said, I put it there.</p> <p>4 I said, I have a red maple.</p> <p>5 He said, You have a stone house?</p> <p>6 I said, Yes.</p> <p>7 He said, I know. That tree is beautiful.</p> <p>8 And we're supposed to cut it.</p> <p>9 I said, You're not cutting that tree.</p> <p>10 And he said, I hope we don't have to. He</p> <p>11 said, We like to save trees, but, he said, right</p> <p>12 here we're clearing trees.</p> <p>13 Q So this person was with SavATree?</p> <p>14 A Yeah. Just a very nice -- he was just</p> <p>15 there cutting tree. Just doing his job.</p> <p>16 Q If you could turn to page 9 of the</p> <p>17 interrogatory responses, interrogatory 16 asked</p> <p>18 about any damages that you contend you would incur</p> <p>19 if the tree is removed. And there is an attached</p> <p>20 report. Are there any other damages that you're</p> <p>21 claiming other than what's in that report?</p>	<p style="text-align: right;">Page 105</p> <p>1 have.</p> <p>2 MR. ROST: We will not waive.</p> <p>3 (Signature not waived.)</p> <p>4 (Whereupon, at 1:15 p.m., the</p> <p>5 deposition of MELVIN HAAS</p> <p>6 was concluded.)</p> <p>7 * * * *</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>

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<p>1 CERTIFICATE OF NOTARY PUBLIC</p> <p>2 I, Suzanne Marie Alona Enderson, the</p> <p>3 officer before whom the foregoing deposition was</p> <p>4 taken, do hereby certify that the witness whose</p> <p>5 testimony appears in the foregoing deposition was</p> <p>6 duly sworn by me; that the testimony of said</p> <p>7 witness was taken by me in stenotype and</p> <p>8 thereafter reduced to typewriting under my</p> <p>9 direction; that said deposition is a true record</p> <p>10 of the testimony given by said witness; that I am</p> <p>11 neither counsel for, related to, nor employed by</p> <p>12 any of the parties to the action in which this</p> <p>13 deposition was taken; and, further, that I am not</p> <p>14 a relative or employee of any counsel or attorney</p> <p>15 employed by the parties hereto, or financially or</p> <p>16 otherwise interested in the outcome of this</p> <p>17 action.</p> <p>18 <i>Suzanne Marie Alona Enderson</i></p> <p>19 SUZANNE MARIE ALONA ENDERSON</p> <p>20 Notary Public in and for</p> <p>21 the State of Maryland</p> <p>My commission expires: 11/23/18</p>	<p>1 Bradshaw Rost, Esquire</p> <p>2 Tenenbaum & Saas P.C.</p> <p>3 4504 Walsh Street</p> <p>4 Suite 200</p> <p>5 Chevy Chase, Maryland 20815</p> <p>6 IN RE: Columbia Gas Transmission vs. Janet Haas,</p> <p>7 Dear Mr. Rost,</p> <p>8 Enclosed please find your copy of the</p> <p>9 deposition of MELVIN HAAS, along with the original</p> <p>10 signature page. As agreed, you will be</p> <p>11 responsible for contacting the witness regarding</p> <p>12 signature.</p> <p>13 Within 30 days of September 28, 2017, please</p> <p>14 forward errata sheet and original signed signature</p> <p>15 page to counsel for Plaintiff, Michael Dingman.</p> <p>16 If you have any questions, please do not</p> <p>17 hesitate to call. Thank you.</p> <p>18 Yours,</p> <p>19 Suzanne Marie Alona Enderson</p> <p>20 Reporter/Notary</p> <p>21 cc: Michael Dingman, Esquire</p>
Page 107	Page 109
<p>1 ACKNOWLEDGEMENT OF</p> <p>2 DEPONENT</p> <p>3</p> <p>4 I, MELVIN HAAS, do hereby acknowledge I have read</p> <p>5 and examined the foregoing pages of testimony, and</p> <p>6 the same is a true, correct and complete</p> <p>7 transcription of the testimony given by me, and</p> <p>8 any changes or corrections, if any, appear in the</p> <p>9 attached errata sheet signed by me.</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19 Date MELVIN HAAS</p> <p>20</p> <p>21</p>	<p>1 Capital Reporting Company</p> <p>2 1250 I Street, Northwest</p> <p>3 Suite 350</p> <p>4 Washington, D.C. 20005</p> <p>5 (202) 857-DEPO</p> <p>6</p> <p>7 ERRATA SHEET</p> <p>8 Case Name: Columbia Gas Transmission, LLC, vs.</p> <p>9 Janet Haas, et al.</p> <p>10 Witness Name: MELVIN HAAS Job No. 2706743</p> <p>11 Deposition Date: Wednesday, September 13, 2017</p> <p>12 Page No. Line No. Change/Reason for Change</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19 _____</p> <p>20 _____</p> <p>21 _____</p>